

THIS SACRED  
MAIESTIE, THE

LORDS SPIRITUAL,

AND TEMPORAL, AND

the House of COMMONS

in this present Parliament

Assembled.

Wootton-Underwood  
School

This caske of yewmire relate to th.  
Fr. R. Mar go to school at Wootton -  
in the County of Gloster  
founded by ~~Robert~~ <sup>John</sup> ~~Marke~~ <sup>Marke</sup>  
Rice 2, proficited by Benjamin  
Wright a merchant in Bristol ag<sup>t</sup> John  
Gresham of Northniby in the County of  
Gloucester

Q. if this school was  
erected by a family  
L. & J. Temple



... Last habe folded down  
toward ye end of ye book  
read from thence to ye end  
as you will see y<sup>e</sup> original of  
the foundation of ye schoole and  
in relation of all woridwys  
Printed the 1. of June. 1628. that y<sup>e</sup> day  
of y<sup>e</sup> relation



Croke being sonic if hee shall offend by the tedi-  
ousnesse hereof, a more briefe then which, he knew  
not how to compose, considering the so long, so  
many and vexatious Sutes wrongfully prosecuted  
against him; And in that Croke hath in many pla-  
ces referred one place to another, according to the  
Sections and proofes, he hath done it the better to  
explaine and giue light to every particular, which  
otherwise might have seemed doubtful and obscure  
to the Reader.

Whereof in respect of y<sup>e</sup> tediousnes Croke humbly  
prayeth yo<sup>r</sup> Lordships to leau y<sup>e</sup> reddinge thereof  
to yo<sup>r</sup> Secretaries & from <sup>them</sup> to heare a relation  
of the scoles wronges & his

fol 7

herb



True Relation of the passa- *Certificate from the  
ges in diuers Suites twelve  
yeares together, prosecu-  
ted by Benjamin Crokey of  
Bristol Merchant, and e-  
specially vpon the Statute  
of Charitable vles, made cagined by the said  
Anno 43. R. Regine Elizab. Suites.*

for and on the behalle of a

free Grammer Schoole at Wooton-vnderedge in  
the Countie of Glocester, founded by KATHERINE  
Lady Berkley an. 8. Ricardii 2. against one John Smith  
of Northnibley in the said Countie Gent: who hath  
put in execution many foule and impious practices,  
whereby he hath most manifestly abused and deluded  
his late Majestie of happie memory, the Lord Arch-  
bishop of Canterbury, the Lord Chancellor, the L. *Certificate of Smiths  
Keeper, and diuers Reuerend Bishops, the most of his powerfulnesse, the  
Majesties Courts at Westminster, & Judges thereof, in, and contentious-  
and hath committed many grosse contempts against  
the same Courts, & all to supplant the foundation of  
that Schoole, and to get the possession and inheri-  
tance thereof, and of the Lands thereto belonging to  
himselfe; the same being of the value of 300. pounds  
per annum at this day, and for which Crokey hath now  
a Bill depending in Parliament against Smith, for no  
other course of Justice (by all likelihood) will pre-  
uaile against him; as that which followeth in this Re-  
lation will manifest.*

May it therefore please your Majestie, and this  
Honourable Assembly, for the honour of God,  
and maintenance of Justice, to vouchsafe the cal-  
ling of Crokeyes Bill against the said Smith to bee  
read; and the rather, for that the Parliament foure  
yeares since was possessed with this caule, and

gauue order therein, which by reason of the breaking vppe of that Parliament, *Smith* defeated, and went on, and renewed his former practices; And that (for your better information) it would please you to take notice of the particulars following which *Crokey* will proue, and in faile thereof will vndergoe what punishment soeuer this High Court shall inflict: all or the most of his proothes being noted in the Margent to the said particulars in this insuing Relation? And in this suite *Crokey* is the more earnest, for that hee is assured of great opposition to keepe this Cause from the hearing of your Majestie, and this Honourable Assembly.

A Summarie and Briefe of the vndue practices by *Smith* before spoken of, for supplanting the foundation of that Schole, and getting the possessions and inheritance thereof to himselfe, discouered and opposed by *Crokey*, mentioning euerie Section where the matters are at large related, but first, how *Smith* entred and began to worke.

¶ One Grace Drew, the Relict of one Iohn Drew, being by force of a Lease from the Schoole possessed of a Farme, parcell of the Possessions of that Schoole, called Warrens Court; and shee being very aged, decrepit, sicke in her bed, and likely to dye; and *Smith* beeing a very young man, and then of little or no value or estate, marryed the said Grace in her bed, two women holding her vp during the Ceremony, & thereby *Smith* possessed himselfe

himselfe of that Farme, & in this manner Smith began.

2 Then Smith got the originall Lease of that Farme not appertaining to him, out of Chancery by cunning, and untrue suggestions, where it was to haue been kept vntill the expiration. Sect. 8.

3 Smith bought two fraudulent Titles of the Schoole and lands from two of the Duports. And by that meanes entred upon the Schoole and residue of the Schoole lands. Sect. 9.

4 Then Smith placed one Cowper Schoolemaster, and bought another fraudulent title of the Schoole and Lands from that Cowper, and from one Browning, and from one Bolton, the Daughter of which Browning Smith had marryed. Sect. 10.

5 Smith then let Leases of the Schoole Lands, and erected a Court Baron, and the same keps divers times in his owne name, as Lord and owner of all the Schoole Lands. Sect. 11.

6 Crokey having an interest for the residue of a Term in the aforesaid Farme called Warrens Court, and Smith keeping it from him vniustly, Crokey entred, and for that entrey (to out-face the world) Smith sued Crokey in divers Courts to weary him. Sect. 12.

7 Smith made many untrue reports against Crokeyes proceeding in behalfe of the Schoole, and many false suggestions in Courts, for maintaining his said baillies to the Schoole Lands, which plainly shew Smiths intent for supplanting the Schoole and getting the said Lands. Sect. 14, 15, & 17.

8 Smith commended divers fraudulent, and vniust suites in Star-chamber, Chancery, Exchequer, and Common Pleas, for maintenance and strengthening his said bad titles to the Schoole and Lands, wherein hee vsed many practices, shifts and delays, which also shew his said intent. Sect. 17.

9 Smith (being discovered of his said former bad titles to the Schoole lands by Crokeyes opposition) bought another fained title of one Bishop, of all the Schoole lands, and that managed (as the rest) against Crokey which also shewed his said intent. Sect.17.

10 when Crokey brought his ejection for Warrens Court, Smith obtained upon untrue suggestions an Injunction in the Starchamber, whch stayed Crokeyes proceeding at Law fourte yeares, and after that Causē was dismissed, Crokey could not get a jury to appeare, un-  
till 48. Jurors were summoned. Sect.17.19.

11 Smith interrupted Crokey three severall times in the execution of his Maiesties Commission, under the great Seal upon the Statute of Charitable uses, and also in the execution of a second Commission upon that Statute, notwithstanding his Maiesties especiall directions. Sect.20.

12 Smith practised with Sir John Points, and one Henry Minors to finde the Schoole Lands concealed, or to draw Crokey to a Composition, or to intrap Crokey, that he might forbear any further prosecution in behalfe of the Schoole. Sect.21.22.

13 Smith made false shewes to the Countrey of a pō-  
ow intent for settling the Schoole, when hee knew not  
how otherwise to answer his former practices against it,  
and when he meant nothing lesse. Sect.30.

14 Smith misused and easilly intrreated one Prichard  
who serued as Schoolemaster, because hee inclined to  
Crokey in behalfe of the Schoole. Sect.27.

15 Smith by his undue practices bindred Crokey  
from obtaining a third Commission upon the Statute of  
Charitable uses. Sect.26.

16 Smith endeavoured to get a Release from Cro-  
keyes Lessee in the ejection, at the time when the  
Causē was to be tryed, but not presyng in that, Smith

at the tryall stood upon all his bad Titles and aforesaid  
practices: abusing the Lord Hobart, and the other Judges,  
by false reports and suggestions to them, and practi-  
ced with one Gayre to raze a Record which was done.  
Sect.28.32.

17. Smith still to delay Crokey, and to countenance  
his unright dealinges got him selfe made a Burgess in Par-  
liament of a Towne 130. miles distant from his habitation  
An.1619. Sect.35.

18 Smith to weary Crokey in the proceedings for  
the Schoole, and see his agents to see Crokey arrested when  
Crokey was going on in the execution of his Majesties  
Commission by direction of the Parliament, and dels un-  
derhand with Crokeyes Creditors to affigne Crokeyes  
Debts to him, or to some others his Agents and Confede-  
rates, and otherwise practised whereby to keepe Crokey  
in Prison, wherein hee hath pressyed against Crokey.  
Sect.37.39.

2

A Summary and briefe of the several abu-  
ses committed by Smith, against his late  
Majestie, and against his Majesties  
Courts, and Magistrates and Judges.

1 By furnishing false matter of ensurmes whereby to a-  
wayd several Orders of the Starchamber for execution of  
Costs there awarded against him, and for increase of  
Costs. Sect.18.

2 By destroying the said second Commission upon the  
Statute of Charitable uses, and altering the Commissio-  
ners names. Sect.20.

3 By deluding his Majestie, and the Court of Exche-  
quer, under a shew of a presentment. Sect.24.31.

4 By furnishing false matters to the Chancery, to his-  
der Colcoly for obtayning a third Commission. Sect.26.

5 By

5 By furnishing false matter to the Judges of the common Pleas; that they might stay judgement, and Execution upon the verdict for Crokey, contrary to the Rules in Court by Smiths consent, which false furnishes tooke effect. Sect.30.

6 By furnishing false matters in a Petition to his late Maestie, whereby Smith crossed all former directions of his late Maestie, the Lord Archbishop of Canterbury, the Lord Chancellor, and divers Bishops, and other just and legall proceedings in behalfe of the Schoole. Sect.31.

7 By furnishing false matter against the directions of his late Maestie, the Archbishop of Canterb: the L.Chancellor, and other Bishops, for hindering of Crokey in obtaining that third Commission before granted. Sect.27.

8 By making the Court of Chancery beleue, that the Schoole Rent was brought so low as 40. shillings per annum, and that he had increased it to 12. pounds per annum, when as in truth the true and due Rent to the Schoole, was always at the least 23. pounds per annum, vniill Smith began his practices to supplant it.

9 By abusing the Lord Hobart, and Master Attorney General by false reports and suggestions, whereby they were perswaded of Crokeys double dealing in the cause of the Schoole, and thereby Smith obtained an Injunction to stay all Crokeys proceedings in behalfe of the Schoole. Sect.33.

10 By abusing the Lord Keeper, and Master Attorney General by false Informations, whereby bee obtained a Commission for a survey of the Schoole Lands, and the carriage thereof, which Commission was directed to Smiths friends. Sect.38.

11 By abusing the Lord Keeper, the Judges assistants of the Chancery, and Master Attorney General, in drawing up and entring a Decree in Chancery, where many untrue matters were inserted. Sect.41. Numer.decret.

12. By procuring 52. pounds costs, to bee taxed a-  
gainst Crokey in the Starchamber upon Bill and an-  
swer, Crokeys suites being before stayed by Injunction  
mentioned in the said Decree, which Costs Smith hath  
charged Crokey withall in the Kings Bench. Sect.42.

A Summary and briefe of the severall  
Contempts committed by Smith against  
Decrees, Orders, Rules, Verdicts, and  
other iust proceedings of severall Courts  
in the cause of the Schoole.

1. For not bringing in the said originall Lease, ac-  
cording to an order in Chancery, Sect.8.
2. For not staying the said suite against Crokey  
upon his said entry, according to an order in Chancery,  
Sect.12.
3. For disobeying severall orders in Starchamber  
for hearing, and for his boasting against the same.  
Sect.17.
4. For not attending the Comitees assigned by his  
Majesties directions, and References for the schoole  
according to their severall Warrants, Sect.26.
5. For disobeying the Decree by direction of Parli-  
ament upon the Commission of charitable uses, and by  
his putting in new frivoles exceptions thereto, being  
before waued by consent of Smith and his Councell,  
Sect.38.
6. For his many denises and flights by deferring the  
said Fynall tryall, and after the tryall the judgement,  
and after the judgement, by not yeelding possession ac-  
cording to severall Rules in Court made by consent of  
Smith and his Councell, in contempt of that Court, & for  
procuring the Record to be razed, Sect.28,29,30,31,32

All which matters *Crokey* hopeth this high Court of Parliament will take into consideration, and the rather when *Smithes* said practices, abuses, and contempts shall more fully by the particulars hereafter related appeare.

But forasmuch, as vpon the whole matter there may one maine question arise, which is, that the now Lord *Berkley* being conceiued to be the heire of the Founder of that Schoole, and Patron thereof; why should not his Lordship or others for him haue stirred in this caule of the Schoole, and the same haue defended rather then *Crokey*.

As to that *Crokey* humbly desirith he may be called to answer *vis a voce*, when he doubteth not but to giue good satisfaction therein.

There may bee also an Objection, which is; That *Crokey* hath followed the cause of the Schoole for some particular ends of his owne, and especially in respect of his tytle to *Warrens* Court.

As to that, *Crokey* doth plainly make manifest, that he hath not prosecuted the Cause of the Schoole for his owne ends, but in the behalfe of the Schoole onely and at his owne charge: for *Crokey* did well know his Title to *Warrens* Court to be good, for the Statute of the first of *Edward the 6.* maintaineth all Leases whatsoeuer made before the 28. day of November in the 37. of *Henry the Eight*, as was thesaid Lease vnder which *Crokey* claimes.

The

The particulars of the Relation are, as  
they doe appeare by the seuerall Secti-  
ons, the proofes whereof are noted in  
the Margent.

S E C T.

P R O O F E S.

1. **A**N Inquisition vpon an *ad quod damnum, da-* *Copy of the Inquisi-*  
*ted die lunc proxime ante festum Assentiorum* *tion.*

*Domini, Anno 7. Regni regis Ricardi secundi.*

2. King Richard the 2. granted licence of the 16. *Copy of the Licence,*  
of Iune, in the 7. of his reigne to *Walter Burnell and*  
*William Pendock* Chaplaines, for erecting of a free  
Grammer schoole in *Wooton-vnderedge* in the  
Countie of *Glocester*, and for indowment thereof,  
with the land and Tenements therein mentioned for  
maintenance and sustentation of a Master, and two  
poore Schollers, and their successors for euer.

3. *Thomas Lord Berkley, Lord of Berkley* gran- *Copy of the Licence,*  
ted Licence Dated 1. July Anno 8. *Regni regis Ri-*  
*cardi 2.* to the said *Walter Burnell and William Pen-*  
*dock*, for erecting the said Schoole, and for indow-  
ment thereof with the Lands in the same Licence  
mentioned, for maintenance and sustentation of a  
Master and two poore Schollers, and their successors  
for euer.

4. That the 20. day of October in the said eight  
yeare of the reigne of King Richard the 2. a Grant  
was made by the said *Walter Burnell and William Pen-*  
*dock*, at the charges and procurement of *Katherine*  
*Lady Berkley*, for erecting the said Schoole, and for  
indowment thereof with the Lands and Tenements  
in the same Grant mentioned, for maintenance and  
sustentation of a Master and two poore Schollers,  
for teaching of Schollers in the Art and rudiments  
of Grammer; the Patronage of which Schoole

PROOFS.

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*An exemplification was intayled vpon the heires males of the said Thos. of a Record and was Lord Berkley.*

*Smiths Decree in Chancery, Sect. 40.* 5. In this estate the Schoole continued for the space of 200. yeares, and vntill Smith endeououred to alter the same ; and the Lands belonging to the Schoole are worth 300. pound <sup>a</sup> per annum at this Archbisshop of Cant: day.

*Bish: of London and Winton to his* 6. That *Roberts Coldewell* was Schoolemaster of that Schoole, duly presented, and was in right there-  
*Masellie.* of seized of and in all the lands & Tenements there-

*b Confessed by Smiths said Decree in Chancery, Sect. 40.* Numero 8. to belonging, and being so seized, by his <sup>b</sup> Inden-  
ture vnder the common Seale of that Schoole, bea-  
ring date the 27. of May, in the 37. yeaer of the  
reigne of King Hen. the 8. did demise one messuage  
with the appurtenances called Warrens Court, in  
North-Nibley in the said County of Gloucester, par-  
cell of the said Schoole lands, vnto one *william Thom-*  
*as* his Executors & Assigines, from the feast of the  
Anunciation of the blessed Lady S. *Mary* the Vir-  
gin then last past, for the terme of 88. yeaers, for the  
yearely Rent of fourtie eight shillings.

*c Confessed by the same Decree, Nu- mero 8.* 7. That *william Thomas* by his last <sup>c</sup> Will, Da-  
ted *Anno Domini 1556.* did bequeath the said Lease  
and residue of the Terme of 88. yeaers, vnto *Alice*  
his wife and Executrix for her life, and after to  
*Grace* Daughter of the said *william Thomas* and *A-*  
*lice*, and after to the Children of the said *Alice* by  
*John Moore* her former Husband, and to the surui-  
uor of them, which children were *Richard, wil-*  
*liam, Katherine, Elizabeth, Mary, and Ioice*, and dyed.

*d Will under Seale.* *Alice* proued that <sup>d</sup> will, and entred into Warrens  
Court as a Legacy, and so left the same after her  
death to *Grace*, who at the suite of the said *Richard*  
*Moore*, and the rest of his said Brethren and Sisters  
being plaintifffes, against the said *Alice* and *Grace*,  
were.

were by an <sup>e</sup> order in Chancery (where that suite <sup>e</sup> 2. Orders.  
was commenced) in the 26. yeare of the reigne of  
Queene Elizabeth, compelled to bring the said ori-  
ginall Lease into that Court, where it was by con-  
sent of Alice, and all the said Legatees to <sup>f</sup> remaine <sup>f</sup> *An Exemplifica-*  
and safely there be kept for the vse of them all; that <sup>tion of the</sup> *Answers*  
they might take the benefit thereof one after ano. <sup>of Alice and Grace.</sup>  
ther, vntill the expiration thereof.

8. That the said Lease was so kept the space of  
18. yeares, and vntill *Smith* married the said *Grace*,  
which was in the 39. yeare of the reigne of Queene  
*Elizabeth*, and then *smith* (perceiuing that all other  
the ancient Leases of the Schoole lands were come  
to an end, except the Lease of Warrens Court)  
began his endeouours and practices to get all the said  
Schoole lands, and to that purpose did by diuers  
practices and vntrue suggestions in Chancery (there  
being then none to oppose him) <sup>g</sup> obtaine the said  
Lease out of Chancery vnduly, and the same de- <sup>g Order.</sup>  
teyned in contempt of the <sup>h</sup> Orders of that Court.  
<sup>h Order.</sup>

9. That *Smith* (hauing so gotten that Lease)  
dealt and practiced with one *Henry Duport*, that *Du-*  
*port* should <sup>i</sup> pretend some tytle to the Patronage <sup>i</sup> *Copy of Smiels*  
of that Schoole, and to the inheritance of the Lands <sup>Answer to Bishops</sup>  
thereto belonging; whereupon *Smith* and that <sup>Bill in the Exche-</sup>  
*Duport* gaue forth in speeches, that the said *Duport* <sup>quer, and of the Bil.</sup>  
had good tytles thereunto, and *Smith* also practiced  
with *John Duport*, and *James Duport* (who then had  
possessed themselues of the said Schoole and Lands  
as masters and owners thereof) to set on foot ano-  
ther tytle; and so *Smith* for some small matter to  
those three *Duports* got possession of all the Schoole-  
Lands as his owne Fee simple, and likewise the Pa-  
tronage, and the better to colour that his practice  
<sup>k</sup> *Counterpart of the*  
<sup>k</sup> *Conveyance, razed*  
<sup>k</sup> *in the summe set*  
<sup>k</sup> *downe for considera-*  
<sup>k</sup> *tion.*

10. That *Smith* Anno 6. *Regni regis Iacobi* vnduly placed one *Edward Cowper* Master of that Schoole, vpon whose induction *Smith* caused *Cowper* to convey all the Schoole Lands in Fee to one *John Browning* father to *Smiths* wife, and to one *Bolton*, which *Browning* and *Bolton* soone after conveyed the same and leuied a Fine to *Smith* and his heires for euer, and so *Cowper* continued as Schoole-master, but neuer exercised the place, or had any thing there to doe, but others as Deputies there were placed by *Smith*, and so *Smith* made *Cowper* but as his stale.

11. That *Smith* (by colour of the said severall conveyances, and vpon expiration of all the ancient Leales about that time, *viz.* about Anno 6. *Regni regis Iacobi* worne out, sauing the said Lease of Warrens Court) <sup>m</sup> entred <sup>n</sup> vpon 38. Tenements said *Answer in the Exchequer, and of the Bill.*

*m* Copy of *Smiths* Patent. *n* *Smiths* Patent. *o* *Witnesses.* *p* *Witnesses.*

belonging to that Schoole, hauing possessed him selfe of Warrens Court before, and did let those Tenements for long termes vpon Fines, and the Tenants tooke Bonds of *Smith* for the quiet enjoying; and shortly after *Smith* <sup>p</sup> called a Court Baron in his owne name, as Lord and owner of all the Schoole lands, and summoned all the Tenants of the Schoole lands as belonging to Warrens Court, and kept Courts Baron in the Schoole-house.

12. That the said *toice* was last suruiuor of all the *q* *Smiths Decree in said Legatee*, as *Smith* hath *q* confessed, and the *Chancery.* *r* *Assignment from Toice to Crokey and 21. yeares then to come*, which was *maine of 88. yeares in Warrens Court*, which was *toice to Crokey and 21. yeares then to come* did for diuers consideratiōn of *Attor- ons* duly <sup>r</sup> assigne the same Lease to *Crokey* her Ne- phew (which *Crokey*, was sonne of the said *Katherine*, *Letters of Admi- nistration.* one of the said Legatees) and dyed intestate, and *Crokey* <sup>s</sup> *administred*, and this was about 12. *yeares*

yeares since, whereupon *Crokey* ( being interessed in Warrens Court, and *Smith* being in possession thereof, and the said *Grace* his then late wife being dead, and by her death *Smiths* interest in Warrens Court ending ) *Crokey* commenced a suite in Chancery against *Smith*, and made his entry thereinto, and depending the said suite in Chancery *Smith* ( still to colour his bad tytles to outface the world, and to vex *Crokey* with suites ) brought an action of trespass against *Crokey* for that his entry; in which suite *Smith* proceeded to tryall without *Crokeyes* priuility, and so that Tryall passed by default, whereby *Smith* recovered of *Crokey* 7. pounds for costs, though *Crokey* at the beginning of that suite obtained an order in Chancery for stay thereof, or to *Order*. shew cause to the contrary which *Smith* did not, but in contempt went to tryall as aforelaid.

13. By these suites with *Smith* for Warrens Court, *Crokey* tooke knowledge of the foundation and state of the Schoole, and withall of *Smiths* said practises against the same, which practises of *Smith* stirred vp *Crokey* more for defence of the Schoole, then for his owne tytle as may well appeare by that which followeth.

14. That there haue beeene 33. severall suites in *Seuerall Records* touching the said Will of the said *William Thomas*, exemplified, and Copes of Record, whereupon there were Virdicts, Decrees, Non-suits, and Dismissions: and the question in all which suites was, whether that the remainder of yeares in Warrens Court should goe and be to the Legatees, or to the Executors by the said Will, in all which suites Judgement was alwaies for the Legatees vnder whom *Crokey* claymes, and *Crokey* hath an approued good and lawfull tytle to Warrens Court during the remainder of 88. yeares, and  
*Smith*

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*Smith* hath no right thereunto, nor had since the death of *Grace* his said wife; howbeit *Smith* by his vntrue reports ordinarie with him, and by some false colours hath so shadowed the matter, as that he hath made all men beleue, that all the said seuerall suites were in affirmation of his vnjust clayme, vnder a pretended tylte from one *Sprint*, coloured by a Decree in Chancery 19. May, 43. R. *Regine Elizab.* obteyned by *Smith* deceitfully, as also by a dismission caused by colour of that Decree, which Decree and dismission were against one *Moores* Tylte, not against *Crokeyes*; which Decree and dismission last spoken of, or his said pretended tylte from *Sprint*, *Smith* in all his suites with *Crokey*, or in any of them could never make good: though *Smith* hath laboured therein all he might, but the same were alwaies held and deemed deceitfull and fraudulent.

15. That *Crokey* (for his owne right, but especially in his tendernesse and zeale for preseruation of the Schoole and inheritance thereof) prosecuting the before mentioned suite in Chancery against *Smith*, *Smith* (further to colour those his practices before spoken of for maintenance of his injurious dealing against the Schoole and *Crokey*) exhibited

u. Exemplification an " Information against *Crokey* and the said *Joice Crokeyes* Aunt to the court of Common pleas vpon the Statute of Maintenance and Champerty, which suite was commenced 20. July Anno 12. Regni regis *Jacobi*; in which x Information, he the said *Smith* set forth, that the first day of January in the 11. yeare of his Maiesties raigne, and by the space of two yeaeres next before he was, and then was seized in his de mesne as of fee of and in one capital messuage called *Warrens Court*, and of and in 60. Acres of land, 20. acres of meddow, and 30. acres of pasture,

x. Information.

and

and 20. Acres of Wood, scituate and lying in *North-Nibley* in the County of *Glastonbury*, and the Rents and profits of the same Tenements with the appurtenances, to his owne proper vse for all the said time of 2. yeares had and received, *Smith* pretending further thereby, that *Joice* not hauing any right or title, and notwithstanding pretending right and tytle to the premises conueyed the same to *Crokey*, and so both *Joice* and *Crokey* within the Statute of Maintenance and Champerty; to which Information *Joice* and *Crokey* pleaded, and the cause came to tryall at the Bar 26. April *Anno 13. Regis regis Iacobi*, & vpon full evidence *Smith* was *not* noniusted, and yet vpon ope- y *The same Exem-*  
*ning of the said suite in Chancery* (which was but 3. *plification*.  
dayes after the said tryall) *Smith* by his indirect practices procured a *z* dismission to the Law without *z* *Order*.  
any further hearing.

16. That vpon the said Dismission in Chancery, *Crokey* sealed a *a* Lease for 5. yeares to one *Thomas a Bodham* *The Lease for try-*  
*and thereupon to bring an action of celiacione firme, all of the tytle.*  
for tryall of the tytle, and thereupon *Crokey* commenced a suite in the Court of Common pleas against *Smith*; In which suite the Judges of that Court (perceiuing the many vniust suites and sinister practices raised and prosecuted by *Smith* against *Crokey* & against the Schoole) made several *b* Rules in *b* *The Rules*, Court (but with the assent of *Smith* and his Council) that if the verdict vpon that Tryall should passe for *Crokey*, that then *Crokey* should forthwith haue possession, and no writ of Error should be granted, although the laid Lease for the celiacione should be expired.

17. That *Smith* (to weary *Crokey* in that suite with vexations and delayes as before in the rest he endeououred) in May *Anno Regis regis Iacobi 13.* commenced a new suite in Chancery against *Crokey* for the same

## PROOFS.

## SECT.

c Order of Dis- same cause, which was & dismissed in July, Anno 151  
mission.

Regni regis Iacobi : And also another suite by English

d Copy of Smithes d. Bill in the Exchequer Chamber *Termino Pas: An-*

*Answer to the said* 14. Regni regis Iacobi in the name of one Edw: Bishop a  
Bill.

e The said Copy of same Bill Smith answered, and in that his Answer  
Smiths Answer.

f Order.

g Copy of the Lit- shops tytle, but withall tooke letters & Patens thereof  
ters Patents. upon the Commission of defecutive tytles to him and

Copy of Certificate his heires for ever, for which he paid to his Majestie  
and Decree upon the 5. pound, and was to pay xi.s. Rent *per annum*, by  
Commission for Cha- which tytles Smith meant to hold the Schoole lands  
ritable uses : and as he holdeth other h. land in Suf-  
Witnesse.

h Note from the to this day ; And further about the same time ( still  
Rolls, to delay Crokeys said suite vpon the Eiectment) Smith  
commenced ( or rather but reuiued his other foyled  
suite of Maintenance and Champerty, which before  
he had brought in the common pleas) a suite in the  
Star chamber against Crokey, and foure others, Cro-  
keyes friends for maintenance and Champerty,  
therein surmising forgerie, and perjurie, wherein  
Smith also pretended a tytle of inheritance to  
Warrens Court, whereupon, and vpon other false  
suggestions, Smith obtained an i. Injunction for  
stay

i Order.

stay of *Crokeyes* laid tryall vpon the Eieement, and by that meanes the said Tryall was stayed foure yeares to *Crokeyes* great vexation and trouble, and to his expence of foure hundred pounds or thereabouts in that proceeding, *Crokey* being inforced to attend that Court euery Terme with councell for desoluing that Injunction, but could not, but in the end was inforced to labour for a hearing, for which he procured foure severall peremptorie <sup>k</sup> Orders in <sup>4. Orders.</sup> *4. Orders.*  
 foure severall Termes for hearing of the said Star-chamber cause so commenced by *Smith*, during which delay *Smith* gaue forth in <sup>1</sup> speeches, that he <sup>1</sup> *Affidavit.*  
 would weary *Crokey* by suites in Law, and that it was as possible for *Crokey* to remone a Mountaine, as to preuaile against him the laid *Smith*.

18. That after foure yeares toyle and suite in the Star-chamber, that cause there depending by *Crokeyes* great trauaile and cost was heard, and *Crokey*, and the rest of the Defendants were absolutely <sup>m</sup> dismissed in <sup>m</sup> Order. *Order.*  
 with good costs, but when the costs should haue beene taxed; *Smith* so practiced and wrought, as that *Crokey* could not get them to be taxed, but was inforced diuers times to moue that Court for order therein, whereupon in the time of the Lord Chancellor, the Lord *Mandevile*, and the ~~new~~ <sup>old</sup> Lord Keeper, *Crokey* obteyned diuers Orders in open Court for the Costs <sup>n</sup> to be taxed, with increase of <sup>n</sup> *Severall Orders.* *Severall Orders.*  
 Costs for *Smiths* delays: which costs were drawne vp to <sup>o</sup> 297. pound, and (notwithstanding the said o *Bills of Costs.* Dismission and Orders) *Crokey* could not obteine Costs to be taxed, whereupon *Crokey* in May 1623. Petitioned the ~~old~~ Lord Keeper therein, but so farre was his Lordship abused by the false suggestions and practices of *Smith*, and so much incensed <sup>p</sup> *Crokeyes Peti.* *tion, and the Lord* against *Crokey*, that his Lordships Answere <sup>p</sup> to *Keepers Answere* that Petition was, and so subscribed it, that *Crokey* thereto.

q Affidavit.

*1. K. & S. of J. S. A.*  
*it fitts thin heat.*  
*copy H. B. W.*

r Order.

*f. Copy of the Panell cell and Distringas.*

*for all breake*

defrauded to haue his eares cropt off for abusing him, in that his Lordship never refused to taxe Costes at the end of euery Terme : And yet *Grafenor Crokeyes* Attourney did q affirme, that hee often had presented the Bill of Costes to his Lordship to bee taxed, and that hee was neuer more wearied then with vrging his Lordship therein, and for that his Lordship had denied to doe it, hee durst not moue the same againe; But shortly after vpon vntrue suggestions by one Master *Trotman* of *Smithes* Councell, and by *Smithes* practises together, and without the pruicie of *Crokey*, or his Councell, or Attourney *Smith* obtained r Order for remitting all the said Costes, which Order *Crokey* could not get to be reuersed.

19. That ( the said Starchamber cause being dismissed ) *Crokey* laboured very earnestly many Termes for a Tryall vpon the said Leafe of eiection according to the said Rules in Court, and to his great trouble and charge brought vp his Witnesses (some of whom dwelling one hundred miles from *London*) and divers Termes fee'd his Counsell and f 48. Iurors were summoned before a Iury did appear, And so after foure yeares delay and more, the said cause was tryed at the Common Pleas Barre, *viz.* *Termino Past: Anno 18. Regnire-gis Iacobi.* And vpon the layd Tryall it was found for *Thomas Bodham Crokeyes* Lessee in the eiection, as is more at large related in the 28, 29. & 30. Sect. and how *Crokey* was delayed in the Iudgement and altogether defeated.

20. That depending the said suites, and *Crokey* having fully informed himselfe of the estate of the Schoole, and of *Smithes* practises for supplanting thereof, and getting all the said Schoole lands, *Crokey*

key (to restore the said Schoole, and to reduce all things into their former being, according to the said foundation) *Anno 1617.* obtained a Commission to inquire of the whole matter concerning the said Schoole and the lands thereto anciently belonging, according to the said Statute of Charitable vies; And for execution of the said Commission, *Crokey* \* procured a day to bee appointed, and prouided his Witnesses and all matters incident thereto, and also got a <sup>u</sup> Iurie to appeare, but <sup>u</sup> Witnesse.

all was defeated by the practises and power of *Smith*, and a second time in like manner: Whereupon *Crokey* petitioned to his late Maiestie, and his Maiestie (being gratiouly inclined to the furtherance of the charitable and good course of the Lawe and Statute in that case prouided) was pleased according to his Maiesties Commission vnder the great Seale of *England* before granted, that the Bishop of Gloucester and any <sup>4</sup> of the Commissioners in that Commission named, should with conuenient speed enter into the examination of this cause, and according to the authority giuen to them in the same Commission finally determine and effect the same, so as there should be no cause giuen of any further trouble to his Maiestie, as by his Maiesties

\* direction signified by Sir *Daniel Dan* 5. September. *Petition and Di-*  
*1617.* may appeare; which said Commission, and *reliction.*

that his Maiesties direction notwithstanding, by like practises of *Smith* was interrupted and defeated a third time, and so *Crokey* lost that Commission, and all his labour and charge, and nothing done there-in. And in the yeare 1618. *Crokey* procured a <sup>x</sup> War- <sup>x</sup> Warrant. *Commission.*  
rant for a second Commission from the Lord Chancellor for the same purpose; which <sup>y</sup> Commission y *Commission.*  
being ingrossed in the Crowne office, and ready for the Seale (*Crokey* having then paid the charge there-

*t The Commissioners  
Warrants.*

of) was by like practices of *Smith* there kept from *Crokey* for 2 moreths and more. And whilst the said Commission was so stayed in the Crown office *Smith* practiced with one *John Huns* to alter the Commissioners names, contrary to the Warrant deliu-  
red in by *Crokey*, and so that Commission was in-  
grossed of new, and some of the Commissioners  
names in the Warrant were left out in the Commis-  
sion, <sup>a</sup> and others of *Smiths* friends put in: howbeit  
*Crikey* took that Commission as it was, and laboured  
for the execution thereof, and a day <sup>b</sup> was appointed,  
and *Crokey* with Iurors and Witnesses, and all  
things else ready on his part to haue beene done, but  
by the like practices of *Smith* there did come to the  
place assignd for execution of the said Commission  
but three <sup>c</sup> Commissioners of 7. that had signed the  
Warrant, when no lesse then foure could execute it,  
whereby that Commission was also avoided, and all  
*Crokeyes* labours and charges lost.

21. That in the meane time the Commission was  
so kept back, *Smith* practiced with Sir *John Pointz*  
Knight, and one *Henry Minors* to take a Commis-  
sion forth of the Exchequer, whereby to finde the  
possessions of the said Schoole to be <sup>d</sup> concealed  
as Chantry lands giuen to superstitious vse, and  
within the Statute 1. *Edward 6.* wherein *Smith* so  
handled the matter, as that Sir *John Pointz* and *Min-  
ors* did take such a Commission forth of the Ex-  
chequer, and being Patentees <sup>e</sup> were also therein  
John *Pointz* and made Commissioners.

22. That the said Sir *John Pointz* and *Minors*, about  
August *Anno 1618.* went to *Tidbury* in the said  
County of Gloucester for execution of their said  
Commission, where (having a Iurie <sup>f</sup> of simple men,  
some whereof being of *Smiths* kindred) yet that not-  
withstanding they would not proceed at that time,  
because

*a. Witnesses.*

*b. Commission under  
the great Seale.*

*c. Warrant for  
day of Siting.  
Witnesses.*

*c. Certificate of the  
Commission.*

*d. Witnesses.*

*e. Bond from Sir  
John Pointz and  
Minors to Crokey.*

*f. Witnesses.*

because *Crokey* was there ready with all things for defence of the Schoole and possessions thereof, and amongst other things with a Cale & drawne and resolved on by Sir *Henry Yelverton* and Sir *Thomas Cokayne* his late Maiesties Councell at Law vnder their hands, affirming that the said Schoole and possessions were free from superstitious vses, and no way within the said Statute of *1. Edward 6.* whereupon Sir *John Pointz* loone after laboured *Crokey* very earnestly for a composition, which *Crokey* vterly refused, and soone after that Sir *John Pointz* and *Minors* met againe vpon their said Commission at *Wickware* in the said County of *Glocester*, viz. the 13. of <sup>h</sup> October 1618. At which time *Crokey* likewise attended, but before they sat both Sir *John Pointz* and *Minors* earnestly pressed *Crokey* to a composition, which *Crokey* againe vterly refused as before, whereupon they proceeded with a like simple Iurie as they best pleased, notwithstanding *Crokey* stood in <sup>1</sup>de-<sup>1</sup> *Witnesses*.  
fence of the Schoole in all he might, and so it was found, that the said Schoole and lands thereto belonging were given to superstitious vses, and within the Statute of *1. Edw: 6.* and yet the said Sir *John Pointz* and *Minors* laboured againe at that time with *Crokey* for a Composition, and offered their <sup>1</sup> *Bond* <sup>1</sup> *Bond* of 2000. pound to *Crokey* with condition for the assuaging of *Warrens* Court to *Crokey* and his heires in Fee farme, and to set him in possession thereof; And albeit *Crokey* well did know that all their offers were but to intrap and to draw him from defending the Schoole, and that by *Smiths* plot and practice, yet *Crokey* also perceiving that they proffered him some aduantage whereby they might afterwards intrap them selues, was content to take such a Bond, so as he might haue the drawing of the Bond and Condition which they assented gladly vnto, and so *Crokey* did cause the Bond

Bond and Condition to be drawne, wherein he called Sir *John Pointz* and *Minors* to bee mentioned both Patentees and Commissioners, which was all  
 1. *Witnesse Master* that thereby *Crokey*<sup>1</sup> fought, to the end the practices by them and *Smith* might the better appeare; *Crokey* then knowing no other, or better way for discouery of their laid practices, neither did *Crokey* so much as promise, much lesse assure to them any thing at all, but forthwith shewed to the Lords grace of *centerbury* the said Bond, and fully acquainted his Grace therewith, and of all their other practices against the Schoole, as formerly he had done.

2. *Witnesse Master* 23. That thereupon his Grace sent his Soliciter Mr. *Hart* with *Crokey* to the Lord chiefe Baron of the Exchequer for trauersing of the said vndue proceedings, & reuersing of the said Inquisition, and (according to the Lord cheefe Barons direction) *Crokey* moued that Court of Exchequer by his Councell, whereupon a day was giuen to Sir *John Pointz* and *Minors* to come in for maintaining their said Inquisition which they refusing to doe, the said Inquisition, and Commission by an expresse <sup>2</sup> order in that Court were suppressed and made voide.

3. *Order.*

4. *Order.*

24. That *Smith* (to manifest his craft in dawbing) did then also moue the Court of Exchequer by his Councell for making voide the said Inquisition, and Commission, whereupon in the said <sup>3</sup> Order the name of *Smithes* Councell was foisted, in stead of *Crokeys* Councell, as if *Smith* had beeene the chiefe and onely opposor, and not the procurer of the said last mentioned Commission and Inquisition, whereby *Smith* did not onely delude the said Court of Exchequer, but the Country also for when he perceived that Plot with *Pointz* and *Minors* would not take, then *Smith* began to make a shew of a pious intent, to make and erect a new foundation of that Schoole

but

but yet in his owne name, and for his owne glory, whereby to outface and blindfold the world, that his former practices for supplanting thereof might not be seene. And to that purpose indowēd the Schoole with P 12. pound Rent *per annū* out of her possessions of 300. pound *per annū* all being in the hand of him and his *Lessees*. And for divulging of that dissembled pietie and bounty thereia, ordyned 25. Feoffees for establishing of that his new false foundation of the Schoole and possessions, wherein hee had not, nor hath any interest lawfull at all.

25. That *Smith* (knowing his owne guiltinesse) doubted that one *Prichard*, then as Master of that Schoole, placed there by *Smith* did incline to the assistance of *Crokey* for righting the Schoole, And in that doubt *Smith* set 4 vpon *Prichard* with diuers *Witnesses* high and threatening speaches, and warned *Prichard* that at a certaine day by *Smith* peremptorily prefixed, *Prichard* should depart from the Schoole as a professed maintainer thereof against *Smith*, or else that *Prichard* must expect to be by *Smith* thrown out by violence, insomuch that (vpon *Prichards* slighting of *Smiths* threatenings) *Smith* (in outragious & violent manner being accompanied with some 20 men) came to the Schoole and threatened to vn-*style* the Schoole-house, and to throw *Prichard* out if hee would not presently depart, and by those meanes, and by frightening *Prichards* wife (being then in childe-bed) *Prichard* was inforced to leaue the Schoole to *Smith*, and so vpon composition left it.

26. That *Crokey* moued the Lord Chancellor for a third Commission vpon the laid Certificate from three of the Commissioners in the said second Commission, which notwithstanding, and thongh *Crokey* had obtained diuers Commissions before, yet upon *Smiths* vntrue suggestions and like practices, it was

P Confessed in  
Smiths Decree in  
Chancery, Sect. 41.  
num. ibid. 13.

*Witnesses*.

PROOFS.

1 Order.

SECT.

so ordered the 16. of Iune Anno 17. Regni regis Iacobi, that thereby *Crokey* was not onely debarred for obtaining any further Commission in behalfe of the Schoole, but also thereby disgraced, and all his proceedings therein as much as might be; and *Crokey* (being so stopped and preiudiced) petitioned his Maiestie to referre the finall hearing and determining the cause for the Schoole to the Lord Archbishop of *Canterbury*, the Lords Bishops of *London* and *Winton*, and to the Lord *Hobart*, or to any 3. or 2. of them, whereupon his Maiestie was gratiouly pleased, that the said Lords should take the contents of the laid Petition into their speciall consideration, and after hearing & examining all particulars incident therunto, should make report in writing vnto his Maiestie what they should finde fitting to be done, aswell for awarding such a Commission as was petitioned for, as for the certefying and determining the whole cause according to Justice and good conscience; as

3 Petition and Reference.

by the said Petition and Reference signified by Secretary *Nassau* of the 24. of Iune 1619. appeareth, which Reference *Crokey* diligently prosecuted, but *Smith* would not by any meanes appeare before the Committees assigned by that Reference, vntill *Crokey* had procured soure severall Warrants, *Smith* well knowing that *Crokey* had brought vp to *London* many \*Witnesses, some of whom 100. miles distant from thence to his great trouble and charge; and that *Crokey* had them in a readinesse the first day appointed by the said committees, and had feed his Councell diuers times therein for the better information of their Lordships in the behalfe of the Schoole.

27. That vpon the fourth Warrant *Smith* appeared, and the cause vpon the said Reference came to be heard before the Lord Archbishop, and the other

4 The Warrants.

5 Witnesses.

ther 2. Lords Bishops; & vpon opening the cause, & arguments and proofes before their Lordships made by the Councell on both sides, their Lordships <sup>x</sup> certi-  
fied his late Maiestie of the powerfules & indire<sup>x</sup> Certificate  
practices of *Smith* for getting the inheritance of all  
the Schoole lands worth 300. pound *per annum* for  
5. pound <sup>y</sup> In which Certificate their Lordships held y Certificate  
fir, that *Crokey* should petition the Lord Chancelour,  
for a third Commission to settle the said Schoole in  
her ancient estate. *Crokey* accordingly Petitioned, and  
therevpon obtained an Order <sup>z</sup> in Chancery of the 2 Order.

21. of Ferbruary, *Anno 15 Regni regis Iacobi*, that a  
Commission should be awarded to the Bishops of  
Glocester and Briftoll and others: VWhereupon *Cro-  
key* laboured for another Commission according to  
the laid Order, but could not ptauaile vntill he com-  
plained to the Parliament, which was about 16. mo-  
neths after the said Order, and then he obtained ano-  
ther <sup>a</sup> Cōmission which was duly executed as more  
particularly appeareth in the 37. Section of this Re-  
lation.

28. That *Crokeyes* Tryall vpon the said Lease of  
Eiectment by *Smithes* indire<sup>x</sup> dealing, was delayed  
4. yeares and <sup>b</sup> more, but after that delay it was try- <sup>b</sup> *Copy of the Ver-  
ed at the Common pleas Barre, viz. in Easter dict and Judgement.*  
Terme *Anno 18. Regni regis Iacobi*, though *Smith* car-  
nestly laboured by himselfe and others to haue auoy-  
ded that Tryall, and *Smith* then laboured to seduce  
the said *Bodham Crokeyes* Lessee to <sup>c</sup> release, vpon  
which Tryall, the matter was so strongly defended  
by *Smithes* Councell, that the Tryall continued from  
9. in the morning to 1. in the afternoone, which was  
by reason *Smith* and his Councell stood so mainely  
and so confidently vpon his said feuerall bad tytles  
and practices.

29. That at that Tryall the Lord *Hobart* and the  
rest

rest of the Judges of that Councell all good and iust endeouours for discouering of the truth whereby *Smithes* bad tytles (so strongly vrged and insisted vpon) were confuted, which *Smith* perceiuing, and that the Tryall must needs passe against him, and thereby all his practices come to light, and bee brought to naught to his vtter disgrace and infamy : *Smith* cryed <sup>3</sup> out with a lowd voyce in most earnest and pittifull manner to the Judges that he was vndone, if they would not haue compassion on him, and with all besought them in all he might to draw *Crokey* to some composition, or ~~to~~ referr the caule to them : Whereupon the Judges in compassion of *Smith* earnestly moued *Crokey* to referre the matter to them, but *Crokey* refused so to doe, telling the Judges that the cause concerned the Schoole more than himselfe, and for which he had vndertaken, and was ingaged both in his duty to God, for the common good, and by his profession to his late Maiestie, the Archbishop of *Canterbury*, and others ; And these motions by *Smith* to the Judges, and the Judges to *Crokey* were betweene the time of the Iuries going from the Barre, and giuing vp their verdict which was not giuen vp vntill the next morning, and then

c. Copy of the Ver-  
dict and Judgement. <sup>c</sup> *Crokeyes* laid Lesse.

30. That a day or two after the virdict, *Crokey* by his Councell moued the Court for Iudgement and possession according to the aforesaid verdict and Rules, made by the assent of *Smith* and his Councell as aforesaid, which Rules and verdict notwithstanding, and notwithstanding also the 4. yeares delay and more of that Tryall by *Smithes* meanes, and the Statutes of Ieofaile made 32. H.8. C.30. 2. Edw:6. C.32.18. Eliz. C.13. by which (as *Crokey* conceiued) *Smith* was debarred from vsing any further delay after the Verdict, yet *Smith* (still prosecuting his importunity

portunity ~~to~~ to the Judges, and vpon his  
false suggestions to them) was permitted to speake in  
arrest of Judgement, whereby *Crokey* was delayed  
both the Easter and Trinity Termes next after the  
Verdict, and the said Lease of Eiectment (which  
was for 5. yeares) being then well-nigh expired, *Cro-  
key* in the latter end of August then next following

<sup>f</sup> Petitioned his Maiestie for his Maiesties direction  
to the Judges in that behalfe, whereupon his Mai-  
estie was pleased to signifie his pleasure by Sir *John  
Sucklyn* then Master of Requests 3. Sept: 1620. which  
was, that the Lord *Hobart*, and the rest of his Mai-  
esties Judges of the Common pleas should cause the  
said Rules of the said Court, so made in open Court  
by consent of both parties, to be performed accor-  
ding to the true intent and meaning of the same; In  
regard the Lease for tryall of the tytle in the premi-  
ses made to the said *Bodham*, was that moneth of  
September to expire. Which directions from his  
Maiestie *Crokey* presented to the Lord *Hobart* before  
the expiration of the said Lease for the eiectment;  
which Directions notwithstanding, & notwithstanding  
also the said Rules, and the Statutes of *Ieofaile*  
& 4. yeares delay, before the said Tryall, *Crokey* could  
not obtaine Judgement, vntill the said Lease for Try-  
all of the Tytle was expired, and then Judgement  
was awarded; But the said Lease being by the said  
delays worse out, *Crokey* could not by Law haue  
any Writ for possession according to the said Ver-  
dict Rules, and his Maiesties most gratioues Direc<sup>tion</sup>  
and intention in that behalfe so signified; or the  
said Statutes of *Ieofaile*; All which delay and stay  
of judgement, seeming onely to be but vpon a meere  
suggestion by *Smith*, which <sup>g</sup> was that one of the Ju-  
rors names called *Tippes* was mistaken, and in the Record written ~~at~~ *ripes*, and though *Crokey* did be-

<sup>f</sup> Copy of the Peti-  
tion and direction.

<sup>g</sup> Affedavit to prove  
*Tippes name so to*

often during that delay of Judgement offer to  
h proue, and to produce the Record to shew the  
contrary, and in the end did proue so much.

31. That during the said delay of Judgement,  
and betweene the laid Verdict and Judgement *Smith*  
(to crosse all former proceedings of the Schoole and  
the Verdict) vpon diuers vntrue suggestions compi-  
led in a Petition to his late Maiestie procured a Re-  
ference from his Maiestie signified by Sir *Sidney*

*Mountague* Master of Requests 25. Junij 1620. The  
effect of which Petition and Reference; As also *Cro-  
keys* Answere thereunto next follow, *viz.*

## N V M.

## P E T I T I O N.

## A N S W E R E.

1. That a Tryall in Easter Term anno 1620. was had in the Common Pleas, in an action of *electione firme* brought against *Smith*, by *Thomas Bodham* Lessee to *Crokey* for a messuage and 50. Acres of land in *North-Nibbey* in the County of Gloucester, parcell of the Possessions of the laid Schoole, wherein *Crokey* claymed a Lease for 12. yeares.

1. *It is true that such an Action was brought, but it was laid for the said Messuage and 130. acres and a Mill, as before was layd by Smith himselfe in his Information for Champerty brought in the Common pleas, for which Crokey hath offered proofe, Sect. 15. Crokeys title was for 21. years when hee made his first entry before re-lated, and so offered to be proued, Sect. 12.*

2. That *Smith* had against the said Tytle Verdicts, and Non-suites at Law, and Decrees, and Dismissions in Chancery.

2. *That this is most untrue will appeare by that which Crokey before in the 14. Sect. hath truly re-lased.*

3. That at the last Tryal *Crokey* had vrged vntruly & impertinently, that *Smith* had indirectly endeuoured the suppressing of the Schoole, and sought to convert the

3. *That Crokey in this urged nothing but trub, is manifestly proued before in diuers places of this his Relation: But it will appeare more plainly in Crokeys Answer*

N V M.

the possessions thereof to his  
owne priuate benefit.

4. That *Smith* (not hauing informed  
his Councell in that point  
being no way pertinent to the  
issue) *Crokey* obtained a Verdict  
against *Smith*, wherin no Iudgement  
was then entred.

5. That *Smith* was able to proue  
he had beene so farre from  
wronging the Schoole, as that  
he had done many acts to his  
great charge for preseruing of  
it, and had bought in tytles that  
might haue troubled it, and was  
ready to establish the Schoole  
in such sort as should be fit.

6. Wherefore and for acquittal of  
his reputation, and for settling  
a final end betweene *Smith* and  
*Crokey*, and for auoydance of  
multiplicity of suites and other  
inconueniences likely to arise,  
desired that the consideration  
thereof might be referred either  
to the Judges of the Common  
Pleas, or to such others as his  
Maiestie should thinke best for  
such end and order as should be  
fit.

7. That

to the Decree mentioned Sect.41.

Numero decreti 19.

4. *Smith* had informed his Councell  
in all things, but used all meanes  
possible to stay Iudgement, of pur-  
pose to weare out the Lease made  
for tryall of the Tytle, or to bring  
*Crokey* to a composition, as before  
is truly set forth. Sect.29.30.  
31.32. &c 33.

5. The whole tract of this Relation  
and proofes proue this to bee very  
false, and that *Smith* hath ende-  
oured as much as in him lay to  
make good to himselfe all those bad  
and feigned tytles against the  
Schoole, and for that purpose did  
many acts, and those most vilde  
and unconscionable, for an in-  
telling whereof, vide Sect.40. Nu-  
mero Decreti, 19.

6. Smithes backe being at wall, and  
all his plots and deuises being dis-  
covered, and when no better  
would be, he now to saue his reputa-  
tion, makes a great shew of in-  
nocency, his ayme being by some  
compromise to take off *Crokey*  
from further prosecution for the  
Schoole, which was laboured as  
much as might be, but all in vaine,  
for *Crokey* had then, and still is  
resolved (by Gods grace) to right  
both the Schoole and himselfe, that  
neither may be subiect to Smithes  
gins or denotion.

7. *Crokey*

REFERENCE.

7. That his Maiesties pleasure was, that the Judges of the Common Pleas taking consideration of the Petition, should call the said partyes before them, and thereupon take order to settle the state of the Schoole, and for auoyding of further suites to compose the differences of the said partyes if they could.

7. Crokey observed his Maiesties Reference in all things. But Smith laboured the contrary as may well appear by the use hee made of this his Maiesties gracious intention, which was to settle the Schoole according to the foundation, and to right Crokey, and not to alter the same, or to prejudice Crokey, and so his Maiesties before had declared by the signification of Sir Daniel Dun, Secretary Naunton, and Sir John Sucklyn.

PROCES.

SECT.

32. That Smith vsed the said Petition and Reference to the intent aforesaid, and as an Instrument to moue the Lord Hobart further to presse Crokey to a composition, and to delay the Judgement, and so it came to passe, for at the hearing vpon Smithes said Petition and his Maiesties Reference thereupon, the Lord Hobart pressed Crokey to referre the matter to him and the other Judges of that Court, which Crokey refusing could not obtaine Judgement (as before is said) vntill the Lease was expired, and then obtained Judgement, but no possession notwithstanding the said Rules Verdict, and his Maiesties said expresse directions for the same: But Smith procured one Gayre one of Master Branswicks Clerkes to alter the said Rules of Court, by razing and interlyning the <sup>1</sup> Record, Whereupon, and vpon proesse made and Gayres confession in Court, the Lord Hobart and that Court committed Smith to the Fleet, for not yeelding possession. But Smith shortly after obtained his libertie, and so was at large vntill Crokey complained that Smith had not yeelded possession.

1. Rules.

on according to the said Rules, whereupon *Smith* was committed againe, but shortly after was released without performing the said Rules, and so *Crokey* cannot obtaine possession to this day.

feated, contrary to his Maiesties said directions, and contrary to the Honourable and Charitable endeavours of the said Lord Archbishop, the Lord Chancellour, and of the Lords Bishops of *London* and *Winton*.

q. Confessed Smiths : 34. That vpon the motion <sup>q</sup> of Master Attorney *Decree in Chancery*. Generall (according to the direction of the Lord *Lord Hobarts War- Hobart*) the Lord Chancellour awarded a Commission vpon the Statute of Charitable vses, leaving the nomination of the Commissioners to the Lord *Hobart*, who nominated Commissioners, *Crokey* not assenting thereunto, But that Commission (though sealed) was neuer put in execution, for the Parliament was then at hand.

Witnesses.

Not to be destroyed.

r. Bill in Parliament.

s. Order in Parliament.

35. That *Smith* procured himselfe to be made a Burgesse in that Parliament for *Midhurst* in the County of *Sussex* 130. miles distant from his residence, and this was anno 1620.

36. That neuerthelesse *Crokey* presented a Bill <sup>r</sup> in that Parliament against *Smith* on behalfe of the Schoole, and thereupon obtained an <sup>s</sup> order of Parliament for another Commission vpon the Statute of charitable vses so long before sought for by *Crokey* to inquire according to the Statute of Charitable vses, and withall ordered that the Lords Bishops of *Worcester* and *Glocester* and *Bristol*, and their Chancellours, and others should bee Commissioners.

Witnesses.

t. Witnesses.

37. That *Crokey* sued forth that Commission, and going on in the execution thereof, and hauing before had ~~1400~~ 900. lollies, at Sea and other wayes, and *Crokey* being indebted to one *Augustine Harny* 50. pound, for which *Harny* had *Crokeyes* Bond of 100. pound, *Crokey* was arrested vpon that Bond, and detained, and when *Crokey* offered to <sup>t</sup> satisfie the debt *Harny* had made ouer that Bond to one *Afb* <sup>man</sup>

*Smith, & Harry, and Abman together, had made over a Order declaring the same to one Fisher, and so Crokey could not know the same.*  
 with whom to deale, which intricalie ( as it seemeth, and as Crokey is verily perswaded ) came by the meanes of Smith, or some of his Agents and confederates, for that Smith had before by himselfe and others his confederates dealt with others of Crokeys Creditors to buy \* Crokeys debts, and Crokey is the \* *Witnesses.*  
 rather so perswaded, for that at the time Crokey was so arrested, one *Bird* ( whom Smith hath long vied and employed in his affaires ) and one *Archer* a seruant of Smithes were at that his arrest, and for that also Smith hath beene very inquisitiue to know what matters were against Crokey in the Kings Bench, and for that also Crokey hath since endeououred by all meanes to glie satisfaction whereby to release himselfe but cannot, as may appeare by that which immediatly followeth; For Crokey when he had so offered satisfaction, and was notwithstanding so put off, and sued at Law in the name of Harry, Crokey commented a suite in Chancery against Harry and Abman in point of equity, & there Crokey having obtained an \* Injunction *x An Injunction vs. on to stay the said suit at Law, Harry & the rest with- der Seale.*  
 out any notice to Crokey, or any for him by vntre suggestions obtained a *y Report*, and so the cause y *Affidavit.* was dismissed and that Injunction was dissolved, and which was at the very time when Harry or Abman should haue shewed caule, why they should not haue accepted the 50. pound<sup>z</sup> principall. Whereupon *z Order.* Crokey vpon his Petition obtained a *a Reference a Petition Refe-* from his Maiesie anno 1620. to Sir *Edm: Boyer*, and *rence.*  
 Sir *George Paul* Knights to mediate, but Harry b *Affidavit.* though b serued with their Warrant would not appeare; Upon that Crokey obtained an *c Injunction under on in the Court of Requests for stay of Harrys pro- Seale.* ceedings at Law which Harry also contemned and

PROOFS.

d Protection.

e Witnesses.

f Petition to the  
Parliament and dis-  
charge.

g Witnesses.

h Copies of the Com-  
mission, Inquisition,  
Certificate and De-  
cree.

SECT.

proceeded to a Judgement, *Crokey* vpon that obtained a d Protection of the Parliament; At which time *Crokey* going on in the execution of the said Commission so awarded by order in Parliament was notwithstanding his said Protection taken e in Execution when the Judges were gone their Circuit, and the Parliament proroged. And the said debt being so made ouer, *Crokey* was so intangled, as that when *Crokey* and his friends tendered the whole hundred pounds, and 7. pound more for costs for his release of imprisonment, no other matter being against him no penny would be accepted, and so *Crokey* lay fivemonths in Prison vntill the Parliament sate againe, and then Petitioning to f the Parliament, was released. And all this trouble came vpon *Crokey* when he was to haue followed that Commission so awarded by order in Parliament and by *Smithes* meanes, as *Crokey* is verily perswaded for the reaons aforesaid; yet did not *Crokey* neglect that Commission, but to his great g charge of threescore pounds and vypward employed others therein; And so the said Commission was executed at Gloucester by the said Bishops and others, and an Inquisition was found 19. Regni regis Iacobi by the oathes of 17. Iurors all substantiall and men of good estates of the County of Gloucester. Whereupon the said Commissioners returned the said Commission and h Inquisition, together with their Decree and Certificate thereupon, the same being Dated 19. September Anno Regni regis Iacobi 19. which said Certificate and Decree was to the effect following, viz.

That there appeared before them aswell the said Iu-  
rors, as also divers Tenants of the said Schoole lands and  
divers witnesses to testifie on either side: As also *Crokey*  
the prosecutor on behalfe of the said Schoole by his  
Councell

Councell on the one part: And the said Smith claiming the inheritance of the lands belonging to the said Schoole on the other part, which said Smith at the first tooke divers exceptions against the proceedings upon the said Commission, but afterwards did then and there wayue and relinquish all the same and all other exceptions whatsoever in that behalfe, and consented that the said Commissioners should proceed to Tryall of the right, whereupon there was given in evidence to the Iury the said 3. Grants of the 16. of Iane Anno 7. Regni regis Ricardi 2. of the 1. of July Anno 8. Ricardi 2. and of the 20. October Anno 8. Ricardi 2. as in the 2. 3. 4. Sections are mentioned; and also an Inquisition upon an Ad quod Damnum as in the 1. Section is mentioned.

That Smith shewed forth the said Grant from his Maiestie to him and Gulston made as in the 17. Section, and Smith then confessed that the lands therein mentioned were the same that were given as aforesaid to the Schoole, and that Smith then shewed forth also an Exemplification of a Bill, Answer, and Depositions in the said suite brought by Bishop (before mentioned in the 17. Section, and that thereby and by divers other wyes Smith earnestly endeoured to prove that the said Schoole lands were given to his Maiestie by the said Statute of 1. Edward 6. as Chantry and concealed lands.

That it was inferred by the Councell on the Schooles behalfe, That the said suite was but a mere practise of Smith to draw the said foundation within the said Statute of Chantries; and that there was further shewed to the said Commissioners and Iury, a Certificate subscribed by the Lord Archbisop of Canterbury, and by the Lords Bishops of London and Winton, wherein the said Smiths practices for suppression of the Schoole inter alia are mentioned.

That against which evidence for the Schoole Smiths Councell have urged and gave in evidence a Copy of the

Ordinances and Statutes mentioned to be made touching  
the due government of the said Schoole and of the lands  
wherewith the same was endowed, and that amongst  
the said Ordinances Smithes Councell stood especially  
upon that Ordinance : That the Master of that Schoole  
for the time being, should bee a Priest and celebrate for  
the Founders of the schoole. And others in the said  
Ordinance, named after their departure hence, and  
whereupon it was earnestly urged by Smithes Councell,  
that forasmuch as in the deed of foundation, the Lands  
were given to the Master and two poore Schollers and  
their Successors, to their aide and sustentation according  
to the Ordinances, to be made by the said Walter, Wil-  
liam, and Katherine, that therefore the foundation of  
the Schoole and Lands was within the said Statute of  
1. Edward 6.

For answere whereunto there was shewed forth the  
opinions of Sir Henry Yelverton then Attorney Gener-  
all, and Sir Thomas Coutry then Solicitor to the  
contrary, and that it was then further answered on the  
Schooles behalfe, that the said Grants and Licences of the  
foundation, donation, and Ad quod Damnum were  
absolute to the charitable uses therin expressed, without  
any mention of any superstitious use at all, and that  
therein there was no relation to any Ordinances to be  
made but onely in the Habendum, whose proper Office  
is to express the estate; And that therefore the Ordinan-  
ces ought to extend onely to order the Succession, and not  
to make a new use, service or consideration. Besides, it  
then appeared that the said Ordinances were made long  
before the foundation of the said Schoole, and therefore  
of little regard. And that it was then also informed that  
the said Schoole and the Master, and two poore Schollers  
in the same, had continually beeene maintained according  
to the said first foundation, vniill within 16. yeares last  
past, which was not denied by Smith or his Councell.

That

That thereupon the said Commissioners were and are of opinion, that the said Lands ought to be restored, according to the said charitable and pious foundation which continued 100. yeares before the said Statute of Edward 6. and almost 60. yeares after, before it was questioned. And therefore according to the said Statute of charitable uses, and the said Commission to them directed; They did adiudge and decree, that the said Lands should be restored and employed to the use of the said Schoole, according to the said first foundation. But forasmuch as the said Corporation was of late discontinued, and the Patronage of the said Schoole is claimed by Smith, and was before in question, whereof the said Commissioners could not determine. And Crokey claimed a Lease of a Tenement parcell of the said Schoole lands, whereof as they were informed, Crokey had a Verdict and Judgement against Smith, but cannot (as they were informed, by reason Smith was a Burgess of the Parliament) obtaine an execution thereof, and had (as they were also informed) exhausted and spent his Estate in the prosecution, and desired recompence for his great charges therein, they could not adiudge, therefore the same, they humbly referred to the consideration and direction of the Court of Chancery or of the Parliament, to which (as they were informed) Crokey had preferred his Bill for further therein to be done. So as by the said Certificate & Decree it may plainly appeare, that the same Commission was not executed partially or at random, but equally and iustly, and whereto Smith and his Councell there present consented, and thereby Smith concluded himselfe, Crokey then being absent.

38. That shortly after the returne of the said Commission so executed as aforesaid by direction of the Parliament and Inquisition, Certificate and Decree; thereupon Smith, (perceiving that the Parliament was soone after to be dissolved) notwithstanding

## S E C T.

3 Order.

Exceptions.

Crokeys Answer to  
these Exceptions.

4 Order.

5 Order.

6 Order.

7 Order in Parlia-  
ment.

8 Witnesses.

ding he had formerly wayued all exceptions to the aforesaid Inquisition, Certificate and Decree, which is by the said Commissioners certified as aforesaid, yet *Smith* vpon the ending of that Parliament, obtained an <sup>1</sup> Order in Chancery of the 3. of December, to put in new exceptions to the said Commissioners said proceedings, which *Crokey* in defence of the Schoole answered. And the Parliament (being then ended) *Crokey* applyed himselfe to the Chancery for a day of hearing, not doubting a confirmation of the said Inquisition, Certificate and Decree, which day of hearing after much labour *Crokey* obtained, And so the cause was by the Lord Keeper ordered <sup>2</sup> to be heard before his Lordship and Iustice *Hutton*, wherewith *Crokey* was well satisfied, but when the cause came to bee heard, Iustice *Chamberlaine* who married with the Lady *Berkley* (*Smith* being her chiefe Steward) in stead of Iustice *Hutton* sat in Court, and so the cause was heard <sup>3</sup> 17. July anno 20. Regni regis Iacobi. At which hearing *Smithes* exceptions were argued, and being found friuolous, no resolution was thereupon, yet was not the said Decree so made by the said Commissioners in that Commission vpon the Statute of charitable vles confirmed, as *Crokey* expected; but at that time the Lord Keeper granted <sup>4</sup> another Commission vpon that Information which was exhibited by Master Attorney Generall two yeares before not prosecuted, by reason the same cause was exhibited by *Crokey* in a Bill to the Parliament, where the same was <sup>5</sup> ordered and proceeded upon, as before is said, Sect. 36. Which proceeding last spoken of in Chancery, quite tooke away all *Crokeys* prosecution for the Schoole a second time. And in which Commission diuers of *Smiths* <sup>6</sup> friends were made Commissioners, some of whom had declared themselves  
open  
2611

open opposors of the Schoole, and *Crokey* by their demenour against the due execution of former Commissions sued out by *Crokey* in the behalfe of the Schoole, which Commissioners *Crokey* much laboured both by Petition and motion in Court p *Witnesses, Petiti...* to haue altered, but could not therein preuaile. And on, and *Answer.* yet the Lord Keeper at that hearing very sharply reprooved *Smith* plainly telling him that he had left no practice vnattempted to supplant the Schoole as indeed is true.

39. That *Smith* (going on with that Commission vpon the said Information) practiced againe with *Harny*, *Wobman*, and *Fisher*, or some of them to imprison *Crokey* a second time for the said debt of 50. pound, for which *Crokey* was before discharged by Parliament, whereupon *Crokey* commenced another suite in Chancery against *Harny* and *Fisher*. That caufe was referred to *Sir James Hussey*, q who reported that it was reasonable *Fisher* should accept of the principall, which was 50. pound, which *Fisher* refufed, whereupon *Crokey* obtained a Warrant from the late Lord chiefe Iustice and others his Maiesties Commissioners appointed to heare the caufes of Prisoners for their relieve, directed to the said *Harny* and *Fisher* for their appearaunce before the said Commissioners for Prisoners; But the said *Harny* vpon the first summons appeared not, nor did *Harny* appear at all, but vpon the second summons *Fisher* appeared. And the cause being heard r *Fisher* would not conforme himselfe to any order; Whereupon the Commissioners gaue him further day, and then appearing also, would by no meanes or mediation conforme himselfe, but stood out in contempt of that Commission, then affirming that he would haue the extremity of the Law against *Crokey*, and which the said Commissioners haue r certified, and of their *Certificat...*

*Certificate of the  
Commissioners, and  
their opinions.*

*The same Certifi-  
cation, and of their  
opinions.*

¶ *Affadanit;*¶ *Net to be denied.*¶ *Commission.*  
¶ *Order.*

opinions therein. And further, *Fisher* gaue forth in speeches, that he cared not for his debt, nor for the whole money vpon the Execution, for hee would make dice <sup>1</sup> of *Crokeys* bones. And therefore, and for the reasons aforesaid declared in the 37. Section. *Crokey* is verily perswaded, that *Smith* had his hand in all these matters betweene *Crokey* and *Haruy, Asb-*  
*man and Fisher*, *Crokey* doth know that one <sup>1</sup> *Farrer* a Clerke in Chancery, was a chiefe Agent in this confederacie.

40. That the said <sup>1</sup> Commission so awarded vpon the said Information, did beare *Teste*, 24. July *anno* 20. *Regni regis Iacobi*, and was grounded vpon an Order in Chancery of the 23. of Nouember. *Anno Regni regis Iacobi* 18. which was before the Parliament. And which Order was granted vpon his late Maies-  
ties Reference vpon *Smiths* Petition, wherein were diuers vntrue suggestions, as before Section 31. and which are also there answered. And that his Maies-  
ties Reference vpon so false a petition, should be so farre extended in the behalfe of *Smith*, that sought to supplant the Schoole, and to doe all wrong, and that not onely his Maiesties former References, but also his severall directions vpon severall true Petitions presented by *Crokey* in behalfe of the Schoole, and *Crokey*, before mentioned Section 20.26.30. should be altogether neglected and slighted, as also the direc-  
tions by Parliament betweene the time of the said Order, and the time of the hearing (whereupon the said Order of the 17. of July, *Anno* 20. *Regni regis Iacobi*, which was some 22. months after) *Crokey* most humbly submitteth himselfe to the consideration of his Maiestie, and this high and Honourable assem-  
bly. And whether *Smith* in this businesse hath shew-  
ed his power, his subtily, and vncionable pra-  
ctices, and consequently his abuses both to his late

Maie-

Maiestie, and his Magistrates and Judges. For the manner of the execution of the last mentioned Commission : It was as *Crokey* before imagined it would be, when he laboured to haue had an alteration of the Commissioners names ; But as to that *Crokey* hath fully spoken in his answer to the Decree, grounded vpon the said Information and order of the 23. of Nouember, and vpon the said last mentioned Commission thereupon, Sect. 42. number 4.

41. That for diuers indirect practices and misdemeanours done by the said *Smith* and his confederates, tending to the supplanting and ouerthrow of the said Schoole, *Crokey* (being encouraged by the Archbishop of *Canterbury*, who had well informed himselfe of the cause on the behalfe of the Schoole) exhibited a Bill into the Starchamber against *Smith* and others, and serued *Smith* with a Subpena before the Parliament in anno 1619. But *Smith* hauing attainted the place of a Burgesse in Parliament as before is said, *Crokey* was delayed for the time of Parliament, and long after (which was about 16. moneths) before *Smith* could be brought to Answer ; In the end *Smith* answered. But so it was with *Crokey*, that by that delay of *Smithes*, and *Smithes* other laid practices together, *Crokey* was disabled and decayed in his estate, and imprisoned in manner and by *Smithes* meanes as aforesaid, Sect. 37. And yet *Crokey* (hauing a constant care for restoring the said Schoole and possessions thereof, and being desirous to discouer the practices and misdemeanours by *Smith* and his confederates, opposors, and declared enemies thereto set forth by and vpon his said Bill in the Starchamber) tooke out 5. Subpenaes against the other Defendants. Dated 30. January, Anno Regni regis Iacobi 20. vpon which day the caule vpon the said Information in Chancery came to be heard the

second time before the Lord Keeper, Justice *Chamberlaine*, and Justice *Johnnes* Assistants. Whereupon the Court decreed not onely contrary to, and against the faid Commission so awarded by Parliament vpon the Statute of charitable vses, and against the said Inquisition, Certificate, and Decree, vpon the said Commission, but also against *Crokeyes* particular right. At which hearing, *Crokey* was not admitted to produce any matter in behalfe [redacted] of himselfe, but was inioyned to forbear all further suites against *Smith*; Nor was there any further time spent vpon the said hearing, then opening the said Information, Survey, and Certificate vpon the said Commission so awarded vpon the said Information; which Decree was in effect as followeth, And where-to *Crokey* hath particularly Answered, which he (for your better information in all humility as becommeth) doth present to the confideration of your Maiestie and this Honourable assembly.

1. That whereas the cause by his Maiestie was referred to the Lord *Hobart*, and the other two Judges of the Common Pleas, touching the re-establishing of the Schoole and possessions thereof according to the first foundation, and to settle a final end betweene *Smith* and *Crokey* for Warrens Court betweene them controuerted.

2. And

This is answered by the said Commission awarded by order in Parliament, and Certificate, and Decree thereupon, and vpon the making and arguing all exceptions, Sect. 27. And by the Rules made by Smithes assent, and concluding of Errors by like assent, Sect. 16. And by the Verdict and Judgment thereupon with Smithes commitment for noe yelding possession to *Crokey* according to the Rules, Sect. 32. and according to *Crokeyes* right affirmed by Verdicts, Nonsuites, Decrees and Orders in 33. severall suites beforementioned, Sect. 14. 36, 37.

2. And whereas 14. July 15. Regni  
regis Iacobi, the Lord Hobart &  
other Judges, did after severall  
hearings direct, that an Infor-  
mation should bee exhibited in  
the Court of Chancery against  
Smith and Crokey for the said  
causes.

3. And that in Michaellasse  
Terme following, an Informa-  
tion was exhibited, whereunto  
Smith and Crokey did in the  
same Terme Answer, and there-  
upon an Order was made the  
23. of Nouember in the same  
Terme whereby a Commission  
was to bee awarded to Com-  
missioners to bee named by the  
Lord Hobart for surveying of  
the Schoole-lands, and of the  
Lands controwerted betweene  
Crokey and Smith. And because  
Crokey attened not but betook  
himselfe to other courses, did  
not nominate the Commissio-  
ners. But the Lord Keeper 17.  
July 20. Regni regis Iacobi, did  
confirme the former Order of  
the 23. of Nouember: And that  
his Lordship did in open  
Court nominate the Commissio-  
ners, and on the 19. of the same  
July, his Maiesties Attoinney  
did give speciall directions for  
execution of the said Com-  
mission.

2. It seemeth to Crokey, that this  
Direction is derogatory, as to the  
words of that Reference, which  
was for anoyding of further  
sutes, and not warranting any or  
other, then were then depending.

3. An Information was so exhibi-  
ted, and orders so made, howbeit  
Crokey had good reason to goe  
on in that course vpon the Statute  
of Charitable vses wherein he had  
begun, rather then to assent to any  
other, much leſſe to any thing that  
might haue withdrawne him from  
that course, and whereof his Mai-  
estie, the Parliament, the Lord  
Archbishop, the Lord Chancellour,  
and others reverend Bishops were  
possesſed, and had taken notice, and  
wherein the Parliament had gi-  
uen order; wherupon a Commissi-  
on was awarded, and executed du-  
ly: And vpon that an Inquisition,  
Certificate, and Decree were made  
and returned, which was a yeare  
before the said Order of the 17. of  
July, and the order of the 23. of  
Nouember was 16. moneths before  
that of the 17. of July, so as Smith  
stirred not upon that Informacion  
during the Parliament, but it no  
sooner was ended, but Smith then  
began again to revive and set on  
foote all his former practices, all  
which, Crokey had rea-  
son to wishfand.

4. That

r. iiij

4. Cro-

4. That accordingly the said Commission was sued forth, and in September following it was executed with great care and exactnesse and a Survey made, which in Michaelmasse Terme following was returned with the Commissioners Certificate, declaring that they did appoint others sufficient men to Survey the premisles with the Metres and bounds, appointing them to attend with their Survey at Wooton on the 10. of the same September: At which time they appointed for the Survey (being approued of by Smith and Crokey) did deliver in the Survey, which was read in the presence of Smith and Crokey, and of the Maior of Wooton and divers others of the chiefe Townsmen there, & of many others sent for at the instance of Crokey, & examined as witnesses vpon their oathes, vpon Interrogatories by him exhibited, which vpon their examinations did agree with the Counterparts of Leases of the said possessions voluntarily produced by Smith, and that they found the Survey to bee iust against which, neither of the defendants or others their present

4. Crokey did neither approue of that Survey, nor Certificate annexed, nor did the Commissioners particularly examine witnesses vpon the Interrogatories then preferred by Crokey, as the Commission required, though Crokey much pressed them thereto nor otherwise, then when as the Surveyors had brought in their Survey, the same was read over, and then the Commissioners asked them then present (which were onely such as Smith would have there) whether they could say any thing to the contrary, without any further or other examination, whereat Crokey shewed himselfe much discontented, and tooke exceptions at the then proceedings, and the same altogether disliked and so told the Commissioners and some there assembled, nor was there any depositions or examinations vpon oath, nor bee any returned or upon Record in that cause, nor did Smith then produce all the Counterparts of the Leases of the Schoole lands, but onely of such parcels as bee pleased, and would not suffer any Tenant of the Schoole to produce any other, nor did Crokey allow of the Surveyors, for they had made the Survey before Crokey did know of any such master, and they were Smithes neare neighbour

sent did or could take any exceptions.

boars and friends, and such as had some dependency on Smith: nor did there appear above 6. or 7. of 39. Tenants that Crokey would have had there, and for which purpose he tendered their names to the Commissioners in writing, but they would not receive it, nor send for more then for such as Smith would have. And in this manner was that Commission executed.

5. That the substance of which Survey declared in effect that the possessions of the Schoole did consist of 31. houses and 162. Acres and 10. perches, And that the yearly Rent of the premises then was 21. pounds 4. shillings 6. pence. and that they yearly value of the premises to be improved above the said Rents, was 121. pounds 17. shillings 2. pence, And that Warrens Court contained one Messuage, one fulling Mill, and 54. Acres, and 10. perches, and that the yearly value of the same then was 38. pounds 1. shilling 4. pence, besides 48. shillings and 12. shillings payable out of the same, And that of a Lease formerly made thereof, there was then vnapexpired 10. yeares at Lady day next ensuing.

6. That

Smithes Patent from his Maies-  
try doth mention 39. Tenements as  
in truth there be, & the land belong-  
ing to Warrens Court by Smiths  
owne shewing amounteth to 130.  
acres, as in the 15<sup>th</sup> Section, & the  
whole value of the Schoole lands  
is certified by the Lord Archbisshop  
of Canterbury, the Bishops Lon-  
don & Winton, to be 300. pound  
per annum or thereabouts, Cro-  
key had 21. yeares in Warrens  
Court, when hee first began suite  
against Smith, But further as to  
the present Reueuenue of the Schoole  
Crokey doth affirme that it is at  
this day(re vera) worth about 300.  
pound per annum and all in the  
disposition of Smith, ~~as for~~ as for  
Leases in being there be none, but  
only the remainder of the old  
Lease of 88. yeares in Warrens  
Court belonging of right to C:o.  
key, and such Leases as Smith  
hath ~~made~~ <sup>and may yet</sup> made. <sup>As for the</sup>

Lease

6. That vpon the Information, Answeres, Commission, Certificate, and Survey, and by an Order made by his Lordship 12. December, in the said 20. yeare of his late Maiesties reign for vsing of depositions formerly taken betweene Smith and Crokey in Chancery, the cause was heard, and at large debated by his Maiesties Attourney Generall in behalfe of the Schoole, Sergeant Crew, Sir John Walter, Master Finch Recorder, and 6. others for Smith, and Sergeant Richardson, Sir Laurence Hide, and Master Farewell for Crokey. And vpon the opening of the Information, Answers, reading of the Certificate and Survey, and vpon the long debating and deliberate hearing of the cause and all the circumstances thereof, the truth of the cause appeared to be.

7. That in 8. Ricardi 2. Katherine Lady Berkley Widdow did obtaine of the said King and of Thomas Lord Berkley then Lord of the fee Licence for founding the Schoole, to consist of a Master and two poore Schollers Collegiatly to dine together, and

Lease of 99. yeares supposed to be bought by Smith of the Duports, that Lease is fraudulent and so always hath beene found.

6. This order as also the order there in mentioned of the 17. of July, and the Certificate in that order of the 17. of July mentioned, were made (as it seemeth to Crokey) to no other intent but to bring in Crokey, and to make him liable to that suit brought into Chancery upon the said Information for Crokeys owne particular cause touching Wartens Court. At which time Smith was imprisioned for not yeelding to Crokey possession according to the said Rules in Court, But there was then no debating or deliberate hearing of the cause, nor was the cause otherwise heard then the opening of the Information, Answers and reading of the Certificate and Survey according to the Commission awarded upon the Information, howsoever the words of the Decree doe make shew of.

7. Crokey with this doth agree in all, sauing that there were no ordinances made but long before the foundation, to which Ordinances the foundation hath no relation, nor were there any Ordinances to bee made by the foundation, sauing the Habendum therein, which only

and to haue a perpetuall succes-  
sion, And for indowing the  
Schoole with the said Lands 2.  
Feoffees were trusted by the  
Lady for purchasing the said  
Lands, to hold according to  
certaine ordinances by them to  
be made, and that accordingly  
the Schoole was founded, and  
the Lands assured by the Feof-  
fees to the Master and Schollers  
and their Successors for euer; to  
be holden according to the said  
Ordinances : And that the  
Schoole and possessions thereof  
were employed according to  
the said foundation and institu-  
tion, vntill the 37. yeare of  
K. Hen. 8.

8 That on the 18. of May in the said  
37. yeare, *Robert Coldwell* then  
Schoolemaster of the said  
Schoole did demise Warrens  
Court vnto *William Thomas* his  
Executors and Assigines from  
Lady day then last past for 88.  
yeares for the yearlye Rent of  
48. shillings, and to the chiese  
Lord 12. shillings *per annum*.  
And that the said Lease was by  
the last will of *William Thomas*,  
*annum* 3. & 4. *Post* *Maria*  
bequeathed to *Alice* his wife for  
her life, and after her decease to  
his Daughter *Grace* for her life,  
and after to remaine to *Richard*,  
*Williams*

only declared the estate, as by the  
Certificate and Decree upon the  
Commission for charitable uses  
expressed, and before related in  
the 37. Section, Nor was the foun-  
dation or institution discontinued  
vntill Smith began his practices  
to supplant the Schoole. And Cold-  
well was lawfully presented and  
made Master of the Schoole, and  
the Lease by him granted of War-  
rens Court was good in law: there  
having beeene 33. severall Suites  
in Affirmation of the same.

8 *Crokey* confesseth all this to bee  
true.

G

9. *Whilst*

William, Katherine, Ioice, Elizabeth and Mary, children of the said Alice by one John Moore her former husband, and made Alice his Executrix and dyed.

9. That afterwards Alice intermarried with one Reignold Aphowell, and that Reignold and Alice anno 5. Elizab. did demise the premises to the said Richard Moore for 21. yeares, and that after in the 13. yeare of Q. Elizab. Reignold did grant the remainder and Rent, and all his estate in Warrens Court to John Sprint then husband of Ioyce. And afterwards in the said 13. yeare of Q. Elizab. dyed, that John Sprint in the same yeare did grant all his tytle to Alice, and that Alice anno 21. Eliz. did grant all her estate to Grace, and Grace being possessed anno 39. Eliz. did intermarry with Smith and dyed; And in this manner Smith made his tytle to Warrens Court, and affirmed that hee had diuers Verdicts and Nonsuites at the Common Law, and one Decree, and three Dismissions in Chancery for confirmation of his said tytle.

10. That

9. whilst Grace, Smiths first wife lived, Smith claimed no further or longer interest in Warrens Court then for her life. And as for Sprints tytle, it is but a meere suggestion and foysted into this Decree, which Smith could never prove: Nor did Smith in this suite upon the Information (being a part of the ground of this Decree) once endeavour or offer to prove any such tytle. Nor did Smith ever speake of that tytle of Sprints, vntill all the rest of his tytles for the inheritance of all the Schoole lands fayled him, upon which his tytles of inheritance to all, he stood so long as possibly hee might, and vntill he perceiued all his practices for maintenance thereroft, were discovered by Crokey, as may appeare by that before related, Sect. 17. And by the Certificate and Decree upon the Commission for charitable uses, Sect. 37. numero 1. 2. Besides it appeareth by the severall Answeres of Alice and Grace in Chancery, Anno 26. Eliz. to the Bill of all the other Legatees, that they made no further or other claime then for their severall lynes formerly related, Sect. 6. 7. & 8. Nor hath there euer any Verdict, Nonsuite, Decree, or dismission passed in affirmation of any tytle controverited betweene Smith & Crokey. 10. Cro-

10. That Crokey made his tytle to Warrens Court by a Deede from soice (being Sutuiour of the 6. Legatees) by a Deed da-  
ted anno 11. Regni regis Iacobi, and did affirme that hee had a Verdict for his tytle.

11. That it did appeare to the Court that anno 34. Eliz. John Duport being Schoolemaster, did demise warrens Court and other the Schoole lands (except one Chamber and the Schoole-  
house) vnto his brother James Duport for 99. yeares for 40. shillings per annum; And that James Duport, anno 2. Iacobi for 100. pound fine, did make a Lease to Smith of warrens Court for the residue of 99. years 10. dayes onely excepted, and in 6. Iacobi, James Duport did for 300. pound grant vnto Smith his whole estate in all the premises.

12. That

10. Crokey doth affirme this to bee the true and only tytle, for which he hath had a final Tryall, Verdict, and Judgement upon a deliberate hearing, as is at large before related, Sect. 16. and 32. for which Smith hath beene twice committed to the Fleet for not yeelding possession to Crokey.

11. If the Schoole and Possessions thereof, were never since 37. H. 8. employed according to the foun-  
dation and institution, then had Smith no reason to deale with a-  
ny tytle from the Duports, much  
lesse now to vrge any such. But in  
that Smith bought in the Du-  
ports tytles, hee must needs shew  
his great desire to supplant the  
Schoole, and to get the possessions  
thereof, and thereby to eclips all  
other iust tytles. And Smith (be-  
ing a Lawyer) did alwayes well  
know that the Duports had no  
tytle to any part of the Schoole  
lands, nor lawfully placed in the  
Schoole, Nor did Smith ever give  
100. pound for all his tytles. As  
for the 40. shillings Rent supposed  
by Smith, that was a rent onely  
agreed vpon by John and James  
Duport, whereas the ancient Rent  
of the Schoole was 23. pound per  
annum, which James Duport  
deputy Schoolemaster to John Du-  
port, did receive vntill Smith  
had

32. That it did further appeare, that an Inquisition was found anno 30. Elizab. That all the said Lands were come to the Queen by the Statute of Chantries made 1. Edward 6. And that the said Q. 21. March anno 31. did grant all the premises to Charles Badgehot and Bartholomew Tardley and their heires vnder the yearlye rent of xj. shillings. And that from them it came to Andrew Phillips, Thomas Chamberlaine, and Edward Bishop and their heires. And in the 15. yeare of his late Majesties raign, Smith hauing beene in possession of Warrens Court euer since his said Mariage, did for 200. pound buy in the severall tytles and pretended estates. And for strengthening his tytle, did for 3. pound obtaine another Patent vpon the Commission of defective Tytles for xj. shillings rent.

13. That it did also appeare to the Court, that Smith did take a course for establishing the Schoole (as formerly for 9. yeares before he had increased the Rent of 40. shillings to 12. pound per annū to the Schoole master) And that whereas at that time by reason of the long Leale for 99. years the reuuenue of

*had bought in manner as aforesaid.  
the Duports out.*

12. Smith practiced upon these tytles, as before upon the Duports tytles, wel knowing all to be naught as may well appere by the suite brought in the Exchequer between him and Bishop, Sect. 17.

13. That when Smithes backe was at wall, and that hee knew not what way to turne him by the opposition of Crokey. Then Smith (so colour and face out the master as he euer before did) might make such a shew to the world when he meant nothing else, for if hee had meant truly to the Schoole, and intended to haue maintained her first foundation, he would never haue so practiced to haue supplanted it as before is shewed. And well hee might submit all his tytles to the disposition of the Chancery (none of them being good but all fraudulent, and he having no rights at all) these

Gillings  
of the Schoole was but fortie  
per annum, Smith did  
convey all the Premises dis-  
charged of the long Lease, ex-  
cept that which lyeth in Nibley  
together with the fourth part  
of fines vpon Leases, and all  
the residue to other charitable  
purposes to certaine Feoffees  
and their heires to the vse of  
the Schoolemaster and his  
Successors; And that Smith  
both in his Answer, and then  
in Court submitted his tytles  
to the disposing of the Court.

there consisting his onely hope  
when all others had failed him.  
Nor hath Smith laid open or sub-  
mitted all his tytles to the Chan-  
cery, for that tytle from Cow-  
per, Browning, and Bolton,  
Smith hath concealed and still  
doth conceal the same, with in-  
tent no doubt, but the same to  
revive and stand vpon in time to  
come, for the inheritance of all  
the Schoole lands when all mat-  
ters now in hand shall bee dead  
and forgotten. As for the 40.  
billings & 12. pound Rent, the  
same is answered before, Nu-  
mero. ii.

14. And although Crokey for his  
owne ends had prosecuted  
some Commissions vpon the  
Statute of charitable vses, yet  
it appeared by Affedauit Or-  
ders, and his owne Answere,  
that in the 16. of his Maesties  
raigne he did giue in evidence  
at *wickwar* to the Commissi-  
ners for concealed Lands, and  
that vpon his oath & euidence  
by him produced, all the pre-  
mises were found to be concealed,  
and that he tooke a Bond of  
2000.pound of the prosecu-  
tors of the said Commission.  
That the Fee farme of *Warrens*  
Court should be conveyed to  
him and his heires at the yeare-  
ly

14. Crokey did not so prosecute  
for his owne ends, but in behalfe  
of the Schoole onely, for Cro-  
key did well know his tytle to  
Warrens Court to be good for the  
Statute of 1. Edw: 6. maintai-  
neth all Leases of Chantryes made  
before the 28. day of Nouemb 37.  
Hen. 8. as was the said Lease  
under which Crokey claymes.  
For the Aff.dauit supposed to be  
made, Crokey cannot beleue  
there was any such, and if any  
such master were, then whether  
the same should be so materiall,  
as wherenpon to decree any point  
is the question, But Crokey so  
well doth know that Smith wa-  
suer without Affedauit Instru-  
men:is

ly Rent of 40. shillings.

15. That vpon consideration of all which the Lord Keeper and Court of Chancery assited by Justice Chamberlaine and Justice Jones were of opinion, that the said Lands did not come to the Crowne by the Statute of Chantries, And that the said long Leafes are voide in Law and equitie, for either the Master and Schollers are a Collegiat Corporation, and then must ioyne in the Leales, which they did not, or else the said Master was presentatiue, and in that regard the said Leafes being made onely by the Master and not confirmed by the Bishop of Worcester, by whom by the foundation he was to be admitted, instituted, and sworn to performe the said Ordinances are voide also. And for that the long Leafes tend to the destruction of the Schoole contrary to the intention of the Founder.

16. There-

ments. And for the Orders Crokey hath before answered in the 26. Sect. Nor doth any such matter appeare by Crokeys Answer as is here foysted into the Decree for Crokey by his Answer cleared himselfe. And for the evidence supposed to bee giuen in by Crokey, that is cleared, Sect. 22. & 23.

15. It is not likely or probable, that it was the meaning of the Foun-  
ders, that the 2. Schollers should be ioyned with the Master in let-  
ting Leaser, for that there is no  
such matter in the Institutions or  
Ordinances, but thereby the two  
Schollers were to bee admitted at  
10. yeares at least, and to continue  
there but 6. yeares, and they were  
by the Ordinance subiect to cor-  
rection by the Master. But it is  
plaine, that the Schoole lands were  
awyses letten by the Schoolem-  
ster onely; and for the Bishops  
confirmation of the Leafes, it is as  
unlikely, nor can it be proued that  
there was ever any such thing,  
nor doth the foundation mention  
any such matter; nor were there  
any Ordinances made upon by or  
after the foundation, but long be-  
fore, nor was the same ever in  
question or any part of the land.  
And yet Crokeys Ancestors held  
Warrens Court for 70.  
yeares

yeares under Coldwells Lease :  
And therefore it plainly appea-  
reth, that all the said points in  
this part of the Decree are but  
onely meere suppositions and sug-  
gestions by Smith to delude the  
Court.

16. Therefore it was decreed that  
all the said tytles both vnder  
the said Letters Patents and also  
the said Leases, and all other  
Leases and estates made by any  
Master should be voyde, And  
all Bonds and Couenants  
made for securing the same  
should bee deliuered vp and  
cancelled; And that the same  
should be called in, and all the  
possessions re-established in the  
Schoole, and all the lands men-  
tioned in the said Certificate  
and Survey were decreed to  
the Schoole. And that if any  
other lands should bee discou-  
red for the Schoole, the Court  
would take such further order  
for establishing thereof to the  
Schoole as should be fit. And  
that all the premisles should bee  
surrendred to his Maiestie, that  
the same might be regranted to  
be employed for the establish-  
ment of the Schoole, and the  
Master and Schollers there,  
and for the maintenance of a  
greater number of Schollers,  
according

16. This clause taketh away Cro-  
keys lawfull tytle, it maketh  
voide the finall Tryall, and Ver-  
dict and Judgement duly obtained  
and the Rules of Court for pos-  
session by consent, as in the 16.  
act. It altereth the ancient foun-  
dation, which appropriateth the  
Patronage of the Schoole to the  
beires Males of the said Tho-  
mas Lord Berkley and the inhe-  
ritance of the Schoole lands to the  
Schoolemaster of that Schoole  
lawfully presented as the same  
continued for about 200. yeares,  
and to transferrre the said Patro-  
nage and inheritance by colour of  
such a Surrender Crokey doubt-  
eth whether it be warrantable by  
the Statute of charitable uses, and  
whether the foundation may bee  
altered but by acte of Parliament.  
And what a reach Smith hath in  
this point of the Decree for get-  
ting in all his Bonds and Coo-  
nents which he hath runne in-  
to for maintenance of his vniust  
tytle to the Schoole lands every  
one may discerne.

17. The

according to the increase of  
the Reuenues as occasion  
should be.

17. And because it appeared by the Suruey that diuers Messua-  
ges and parcells of Land, part  
of the premisles are and long  
had beeac in the possession of  
diuers, whereof many are of  
meane ability hauing paid  
fines. And if they should bee  
remoued from the same would  
impoverishe them, It was there-  
fore decreed, that they should  
haue reasonable Leales (not  
exceeding three lues) made to  
them without fine for the in-  
creased Rent of a third part of  
the yearlye value thereof ac-  
cording to the said Suruey, and  
the opinion of the said Judges  
Assistants, and Master Attour-  
ney generall, to whom his  
Lordship referred the perfe-  
cting of this Decree.

18. And because *smith* was in  
quiet possession of *warrens*  
Court for diuers yeares after  
his mariage, And that by buy-  
ing in the long Lease of 99.yeares,  
and estates of the Patentees hee  
had been at 700.pound charge,  
and had bestowed great char-  
ges in building, and that many  
parcells of the Schoole lands  
lye in severall places intermixt  
and

17. *The Fines that they haue paid  
haue beeene paid to Smith, and  
therefore Smith should make  
them good being taken wrong-  
fully, and that to make new Lea-  
ses other than according to the  
first foundation: Crokey ma-  
keth a question whether it be con-  
trary to the meaning of the Foun-  
ders. It is not likely that Master  
Attourney Generall had any hand  
in this Decree, as it is entred up-  
on record. But that it was done by  
Smith himselfe and his Councell.  
And very likely it is that Smith  
hath used some slight in prosecu-  
ring the same to be thus entred.  
And that herein hee hath abused  
the Court, the Judges and Master  
Attourney not caring whom hee  
abuſeth to worke his owne ends.*

18. *Smith had never any quiet or  
lawfull possession longer then his  
wife Grace lained, who dyed a-  
bout 12. yeares since, and then  
Crokey claimed and entred, and  
ever since hath sued for that his  
right to Warrens Court: Nor  
hath Smith beeene at above 100.  
pound charge as Crokey is infor-  
med in buying all the said bad  
titles, what he hath bestowed in  
building*

and inclosed with his owne Fee simple lands.

building was but to outface the world, and the better to colour those his bad tytles. Nor doe the lands tye intermixt, but those lands that Smith pretendeth to tye so, or the most therof are lands also belonging to Warrens Court (for Smith hath made no accompt how he came by any other lands there) and are the residue of the 130. Acres which Smith himselfe hath confessed as before is said in the 15. Sect. thought this busynesse hee hath caused the same to be found but at 58. Acres and 10. perches that Survey being upon Smiths owne setting out, and wherein Crokey had no hand nor thereof any knowledge vntill it was done.

19. It plainly appeareth that Smiths intention was not onely to diminish the Revenue of the Schoole, but vterly to supplant it for so it appeareth.

1. By buying the Duports tytles mentioned, Sect. 10.

2. By buying the tytles of Cowper, Browning, and Bolton, mentioned, Sect. 10.

3. By letting Leaves of the Schoole lands as his owne, Sect. 11.

4. By keeping of Courts in his owne name as Lord and owner of all Schoole lands, Sect. 11.

5. By his fraudulent fise brought

20. And

H

15

in the Exchequer, wherein bee claymed a Freehold  
in all the Schoole lands, sect. 17.

6. By buying of Bishops tytle, and taking a Patent  
upon the Commission of descente tytles of all the  
Schoole lands, sect. 17.

7. By his Information brought against Crokey and  
the said Loice in the Common-Pleas, wherein he set  
forth a seizen in fee of Wartens Court, sect. 15.

8. By his Bill or Information in Starre-chamber a-  
gainst Crokey and others, wherein bee made like  
clayme, sect. 17.

9. By managing all those tytles from time to time, and  
so consequently his owne tytle for the inheritance of  
all the Schoole lands, sect. 17. and Certificate and  
Decree upon the Commission for charitable uses,  
sect. 37. numbers 1. 2. 4. 6. & per ordinum 23.  
Non. sect.

10. By his labouring to make the Schoole lands Chantry  
lands, sect. 17. 21. 22.

11. By crossing and withstanding at severall times his  
late Majesties directions, and the directions and  
proceedings in Parliament Anno 1623. and of the  
Lord Archibishop of Canterbury, the Lords Bishops  
of London and Winton, the Lord Chancellor and  
Lord Keeper, and all Crokeys indenours in behalfe  
of the Schoole, and by multiplicite of causelesse  
suits, and his many other practices and delayes, all  
which being before manifelly proved. By decreeing  
and such an estate to Smith and his heires, is utterly  
to take away Crokeys tytle already duly determi-  
ned and adiudged by Law, for Crokey after 12.  
yeares opposition by Smith and against the opinion of  
the Lord Keeper mentioned, sect. 33. *Letter 20*

20. And because the said Leases were thereby dammed, therefore the Court did forbear to determine the tytle betweene the Defendants otherwise then by Decreeing the said Leases to be voide, And did further order that all suites and prosecutions touching the tytle betweene the Defendants should cease and severall Injunctions were awarded against the Defendants accordingly.

21. And whereas the Judges and Master Attourney did certifie his Lordship that vpon euery Tenants improuement the third part will amount to the increase of 47. pound per annum, out of which they thought fit to assigne 26. pound 13. shillings 4. pence per annum, to the Schoolemaster and five pound a peice for 4. Schollers, and their stipends and number might increase as the Reueneue should increase by expiration of estates. It was therfore decreed, that 26. pound 13. shillings 4. pence should be allowed to the Schoolemaster, But with this that

20. Here is no difference made betweene Crokeys iust tytle proceeding from the lawfull Lease of 88. yeares made by Coldwell and the unlawfull Lease of 99. yeares made by Duport 60. yeares after, and it had beeene all one to Crokey if the Court had in plaine termes taken away his tytle as to damme the Lease vnder which he claymeth and by which he hath right, and to debarre him of all further suites for his relief; As for debarring Smith from suites against Crokey there was no cause, and therefore that is but a shadow laid on by Smith to make the Injunctions seeme equall.

21. Smith as well by this as the rest of his practices, sheweth that hee took great care and paines to make faire shewes by foule shifts, that when he failed in his first aymes for supplanting the Schoole as before hath beeene manifested, and which Crokey intendeth (by Gods helpe) and by the aide and fauour of this high and honourable assembly to prosecute with effect, being in good hope that this high Court will set all thinges right for the Schoole, and the same will strengthen, and will give more credit to the said Inquisition, Certificate, and Decree produced by order in Parliament An. 1622.

that the Lord Keeper did think fit, and so did decree that there should be five Scholars, and the stipend should be four pound *per annum* a peece. And the stipend and number to increase as should the Reue- new; Saving alwayes to the Court power to direct and settle the Regulement and estab- lishment of the Schoole.

and to Crokeys other proffes, then to the Certificate vpon the Commission awarded vpon the said Information in Chancery so executed as before is laid open in the 19number of this Decree, proceeding chiefly vpon the said last mentioned Information, Com- mission, and certificate therupon. By all which it plainly appeareth how subtilly Smith had wound himselfe and his impious proce- dings into the good opinions of all especially of those in authority all proceeding (as it seemeth) by his faire pretences and dissembled ho- nesty, together with his impudent and important solicitation, as appeareth by his false suggestions in that his Petition to his Maiestie, Sect. 31. & 32. wherein, as now it appeareth Smith hath left no pra- ctice unattempted, how uncon- scionable or dangerous sooner.

¶ May it please this High and Honourable Assembly to obserue, that the said last recited Decree is grounded vpon a Commission of Suruay without examination of any Witness vpon Oath as the Commission required, neither are any depositions of Record in that cause nor the Suruayers sworne.

Which Commission of Suruay and Decree, proceeded by vertue of Smiths cautious Petition to his late Majestie and Reference.

Whereupon the late Lord Keeper granted the sayd Commission of Suruay as aforesaid, which is meereley repugnant to the directions of the Lords Grace of Canterbury, and proceedings of the late Lord Chancellor and diuers other Reuerent Bishops, and contrary to the directions of the most Honorable the higher Houle of Parliament, and the proceedings thereupon by Reuerent Bishops and others, according to the Statute of Charitable vses, as by the inquisition Decree and Certificate found for the sayd Schoole appeareth.

Whereby Crokey humbly prayeth this Honourable Assembly to take in consideration.

had little expectation of any good successe by that suite in Starchamber, being so foyled by that Decree in the ground and maine of all his suites against *Smith*. And yet *Smith* (vpon *Crokeys* forbearance in that Starchamber cause) procured 52. pounds costs to be taxed against *Crokey*, though *Crokey* proceeded no further then to Bill and Answer of 3. Defendants, with which 52 pounds Costs *Crokey* is now also charged in the Kings Bench.

*Matters thus standing, and being in this conflict  
betweene Crokey and Smith.*

May it please your Maiestie, and the rest of this high and Honourable assembly to consider by how many waies, all in places Iudicature and authority may be deluded, and abused in the administration of Iustice, by Impostors, practices, plotters, and deceiuers, that bend their mindes and indeauours wholly to iniurie and oppression, without regard whom they delude, deceiue, and abuse, for their owne impious ends, seeming not to dread any punishment either in this life, or in the life to come, most impiously outfacing and deluding all Iustice and authority, as in this man *Smith*, your Maiestie and the rest by this plaine Relation may discerne.

*Crokeys* most humble suite wherefore, is in the conclusion as in the beginning : And that the matters before spoken of, and wherewith *Smith* is charged, may be examined by this high and Honourable Assembly that the right may appeare, and so be adiudged and determined, and in such sort as shall seeme most fit, wherein *Crokey* vnder reformation particularly offereth to consideration the particulars insuing, *viz.*

That the Commission, Inquisition, Certificate, and Decree, vpon the Statute of charitable vses by direction of Parliament 1621. may be maintained and prosecuted; and that the said last recited Decree in Chancery to euery point whereof *Crokey* hath answered, may bee made voyde by

authoritie of this present Parliament.

That the Schoole and possessions thereto belonging may be reduced according to the meaning of the Founders, with such other additions as this high Court shall hold meet and agreeable to the time.

That ~~the Schoole~~ Peter Bird, placed vpon part of the Schoole lands by Smithes meanes, and Cowper now placed as Schoolemaster may be remoued, for that they haue beeene, and are practicers with Smith in all or most of his designes for supplanting the Schoole, and his instruments alwayes ready to execute any euill act for Smith.

But what order it shall please your Maestie and this high Court to award for Crokey, in respect of his long and great expence of his whole estate and more, to the value of 2200. pounds for the rectifying of the laid Schoole, and defending the ttle of the Schoole, to the vter neglect of all his owne affaires, being before a Merchant of good credit and trading.

And for Crekeys right and possession to and in Warrens Court according to his evidence, and according to the Finall triall, Verdict, Judgement, and Rules in Court, and according to his Maesties directions mentioned in Section the 30.

And for the meane profits of Warrens Court worth 80. pound per annum, by Smith wrongfully kept from him since Crokeys first entry, which is 12. yeares.

And for the 297. pounds Costs which Smith was to pay Crokey for wrong vexation in Starchamber some 7. years detained, as by the Dismission and severall Orders, and Bill of Costs mentioned, Section 18.

For the remitting of the 52. pounds Costs obtained by Smith vnduly in Starchamber against Crokey vpon Bill and Answer mentioned in the 41. Section, for Crokeys great labour and toyle both of his body and minde

12. yeares together, with the wasting and consuming of  
his vitall spirits in bearing the assaults and insufferable  
wrongs of *Smithes* impiecie, and improbietie in the pre-  
seruation of the laid Schoole being moued thereunto  
for Gods cause, and no benefit to himselfe without con-  
tribution of any, with the blame of many of his de-  
arest friends for so great earnestnesse in a common cause  
generally neglected and violently opposed, that vnlesse  
the speciall mercy and great goodnesse of God had as-  
sisted and strengthened his weakenesse in so sore a con-  
flict, in so iust a caufe, which *Crokey* holdeth to be more  
prettious then life it selfe, (as in the 4. Chapter of *Ecclesi-  
asticus* the 28. verse) *Strive for the truth unto death, and de-  
fend Justice for thy life, and the Lord God shall fight for  
thee against thine enemies.*

Vnto all which *Crokey* most humbly submits himselfe.